

Item No.19
16.05.2023
Court. No. 19
GB

WPA 11668 of 2023

Safi Uddin Naskar & Ors.
Vs
The State of West Bengal & Ors.

Mr. Pintu Karar

...for the Petitioners.

*Mr. Jahar Lal De,
Ms. Debarati Sen (Bose)*

...for the State.

In the writ petition, the petitioners allege that the Block Development Officer and the Block Land and Land Reforms Officer, Baruipur, South 24 Parganas did not comply with the order passed by this Court on April 11, 2022 in WPA 6195 of 2022. This Court had directed as follows:-

“Under such a situation, this court is of the view that the Block Development Officer, Baruipur in the presence of the concerned Block Land & Land Reforms Officer, the panchayat authorities and the petitioners, shall make a demarcation of the lands of the petitioners and the alignment/links of the proposed road, to be constructed. The demarcation will be made with the help of an ‘Amin’ from the office of the concerned Block Land & Land Reforms Office. The mouza map, the title deeds of the petitioners as also the plan of the proposed road, shall be compared and taken into consideration.

the report of the demarcation shall be handed over to the petitioners.”

On completion of the enquiry, the Revenue Inspector, Kalyanpur Gram Panchayat forwarded a report to the Block Land and Land Reforms Officer. Such letter was forwarded by the Block Development Officer to the petitioner.

However, the entire exercise as directed by this Court had not been completed.

Thus, the report of the Revenue Inspector can at best be treated as an interim report and the Block Development Officer, the Block Land and Land Reforms Officer and the panchayat authorities are directed to complete the entire process of demarcation, with the help of the Revenue Inspector, in the presence of the petitioner and the panchayat authorities.

It is the duty of the Block Development Officer, the Block Land and Land Reforms Officer and the panchayat authorities to demarcate the land over which the road is being constructed on the basis of the findings of the Revenue Inspector and prepare a report along with a sketch map. A reasoned order must also be passed by the Block Development Officer upon hearing all the parties and upon consideration of the report. This exercise is hereby directed to be completed within a period of two months from the date of communication of this order.

It goes without saying that all the documents available in the office of the Block Land and Land Reforms Officer and with the petitioners, shall also be consulted when such physical measurement is taken and demarcation is made by the authority. Disputed questions of title and possession shall not be gone into.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)