

Ct. 24
Item No.03
22.06.2023
(Suvendu)

WPA 14401 OF 2023

**Siddhartha Majumder & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Subhadeep Chatterjee
Ms. Arpita Kundu

...for the petitioners

The petitioners claim to be the legal heirs of one, Late Atul Chandra Majumder, who was the owner of L.R. Plot No. 4429, Khatian No. 32, Mouza – Mamudpur under the Mamudpur Gram Panchayat.

The allegation of the petitioners is that the Gram Panchayat has forcefully constructed public road over the private land of the petitioners. The petitioners have annexed the record of rights in connection with the said land wherefrom it appears that the concerned land is classified as Bastu. It has been submitted that the same is residential land of the petitioners. Prior to construction of road, the Gram Panchayat did not obtain any permission from the petitioners. The petitioners raised objection before the Panchayat and alleges that the same has not been taken up for consideration till date.

None appears either on behalf of the State respondents or the Gram Panchayat despite service.

The affidavit of service filed in Court today is taken on record.

It appears from the submissions made on behalf of the petitioners that the private land of the petitioners has been forcefully encroached upon by the Gram Panchayat for construction of a public road. The same is impermissible in law. If the Gram Panchayat required the land for construction of the road, then approach ought to have been made to the petitioners claiming themselves to be the owners of the subject land prior to utilizing the same. In the present case, the land of the petitioners has been utilized without their permission. Objection filed against such illegal encroachment has also not been considered by the Gram Panchayat.

Accordingly, the instant writ petition is disposed of by directing the concerned Block Land and Land Reforms Officer to consider the representation filed by the petitioners in accordance with law after giving reasonable opportunity of hearing to all the necessary parties and thereafter take a decision in the matter.

If it appears that the land-in-question is actually required for construction of public road, then the

aforesaid respondents shall ensure that the same is acquired in accordance with law upon payment of adequate compensation to the petitioners.

A decision shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of communication of this order.

If it ultimately transpires that the road has been constructed without any prior permission of the petitioners and the Panchayat is not willing to acquire the land from the petitioners, then steps shall be taken for restoration of the land of the petitioners.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Amrita Sinha, J.)