

19.04.2023
Court No. 19
Item 131
CP

WPA No. 15684 of 2022

Sri Ashok Kumar Das

Vs.

The State of West Bengal & ors.

Mr. Arun Kumar Das

....for the petitioner.

Mr. Jaharlal De
Mr. Supratim Dhar

....for the State.

Mr. Pritam Chaudhury
Mr. Abhisek Adhya

....for the respondent nos. 9 to 13.

The petitioner alleges that the respondent nos. 9 to 13 forcefully encroached into a portion of the land of the petitioner situated at Dag No. 646 of Mouza – Kashtala, at the behest of the Pradhan of Khejuri No. 3 Gram Panchayat. Allegation is that the Pradhan encouraged the miscreants to take possession of a portion of such land of the petitioner, for the purpose of construction of a panchayat road. The petitioner submits that the portion of land over which such road is proposed to be constructed had been gifted to the petitioner by his father namely, Haripada Das.

Aggrieved by such overt act of the Pradhan through the respondent nos. 9 to 13, the petitioner approached the Block Development Officer, Khejuri for necessary action and for prevention of any such construction of the alleged panchayat road.

Without going into the merits of the allegations of the petitioner, the writ petition is disposed of with a direction upon the Block Development Officer, Khejuri to consider the representation of the petitioner which is at page 63 of the writ petition, in accordance with law.

While deciding the matter, the petitioner, his father and other heirs of Haripada Das, the Pradhan and the respondent nos. 9 to 13, will be heard. An inspection of the site shall be held in presence of all the parties. Such inspection will be held with the assistance of the Block Land & Land Reforms Officer and an Amin. A report shall be prepared and supplied to the parties. The parties shall be entitled to respond to such report.

On the basis of what transpires during such inspection and at the hearing, necessary orders shall be passed.

If the allegation is found to be correct, steps shall be taken in terms of Section 44 of the West Bengal Panchayat Act, 1973. If the authority finds that the allegation of the petitioner against the gram

panchayat is not correct and there is a civil dispute with regard to the land, between the petitioner and the respondent nos. 9 to 13, the parties shall be relegated to a civil court. In case it is found that the construction is on a vested land or on a government land, in that event, the Block Development Officer shall pass necessary orders.

The entire exercise shall be completed within a period of three months from the date of communication of this order.

A copy of the writ petition along with a server copy of this order be served upon the concerned Block Land & Land Reforms Officer and the Block Development Officer, for necessary compliance of this order.

As no affidavit has been called for, allegations are deemed to have been denied.

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.)