

December 11, 2023
ARDR (524)

WPA 19229 of 2022

Bipin Chandra Sarkar
Vs.
The State of West Bengal & ors.

Adv. Bhagbat Chaudhuri,
Adv. Chandi Charan De,
Adv. Anirban Sarkar,
...for the petitioner.
...for the State.

Affidavit of service filed by the petitioner is taken on record.

None appears for the respondent nos. 2,3,7 and 10, despite service.

Supplementary affidavit used by the petitioner is also taken on record.

The petitioner submits that his land has been utilised for construction of village road without acquiring the same by due process of law.

Pursuant to an order passed by this Court in an earlier writ petition being WP No.7292 (W) of 2018 on 2nd July, 2019 directing the Block Development Officer, Kaliyaganj Development Block, District Uttar Dinajpur to consider the representation submitted by the petitioner and take a decision within a stipulated time frame, the Block Development Officer, by an order passed on 30th August, 2022, disposed of the said representation with the following observation:

“Studying thoroughly all the documents submitted by the BL&LRO, Kaliyaganj, field visit report, proposals submitted by the

Petitioner and extracts of the hearings, I, do hereby direct the local body i.e. the Pradhan of Dhankoil Gram Panchayat to sit with the petitioner and take a fresh proposal. If the petitioner states his willingness to donate the land, on which the road had been made and through which the villagers used to move, with compensation, then the Pradhan should contact in written with the ADSR, Kaliyaganj for the current market value of the land as per Government Rate and thereafter compensate the petitioner from the available fund of the Gram Panchayat. If the petitioner will not agree to use his land as road, then vacate the road and handover the same to the petitioner. The Pradhan, Dhankoil Gram Panchayat must comply the direction as stated above within 2 weeks of the issuance of this decision. A compliance report thereof must be submitted by Dhankoil Gram Panchayat to the undersigned at the earliest”.

Unfortunately the said direction has not been complied with as yet.

The petitioner prays for a direction upon the Pradhan, Dhankoil - 2 Gram Panchayat, being the 10th respondent herein, to implement the said order at the earliest.

Upon considering the submission made on behalf of the parties, this Court is inclined to hold that since the Block Development Officer has directed the 10th respondent to comply with the order dated 30th August, 2022 within a stipulated time frame which has already expired, the 10th respondent be directed to implement the said order within one month from the date of communication of this order, upon affording reasonable opportunity of hearing to the petitioner, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

With the above observations and directions the writ petition is disposed of.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)