

August 23, 2023
AD 10
Court No.14
SG

WPA 20359 of 2023

Ikbāl Hossain Gazi

vs.

State of West Bengal and others

Mr. Ibrahim Shaikh

Ms. Benazir Shaikh

... for the petitioner

Ms. Ipsita Banerjee

Mr. Tarak Karan

... for the State

This is an application under Article 226 of the Constitution of India praying for direction upon the respondent authorities to take appropriate steps against the respondents for illegal construction of metal road on the land of the petitioner and give police protection for the protection of life and property of the petitioner.

Learned advocate for the petitioner submits that for the last few days the respondent authorities have started building on metal road over the land which belongs to the petitioner. There has been no acquisition of such land. Nor was any intimation given to the petitioner in this regard. The local people are siding with the respondent authorities are threatening and intimidating the petitioner. The petitioner seeks police protection for his life and properties. A representation was made to the concerned BDO on 12.08.2023, but the same was not even been answered.

Learned advocate for the State relies on a report filed by the police authorities and submits as follows. The report reflects that the construction work has been going on for the last 2 months. The road is being constructed under the project of Rastasree/Pathasree of the Government of West Bengal by the Panchayat Samity, Joynagar-II Block.

I have heard submissions of the parties and have perused the writ petition and the report filed by the State.

It appears that the road is being constructed under a project of the State Government.

However, the petitioner strongly contends that it is his land over which such road is being constructed, without taking his permission on acquiring such land.

It also appears that the petitioner's representation in this regard to the BDO, Joynagar, South 24 Parganas dated 12.08.2023 is pending for consideration.

In view of the above and the interest of justice, the BDO, Joynagar, South 24 Parganas shall consider the representation of the petitioner dated 12.08.2023 in accordance with law after giving an opportunity of hearing to the petitioner, within 4 weeks from the date of communication of this order. The result of the consideration shall also be communicated to the petitioner within a week thereafter.

The respondent authorities shall keep sharp vigil at the locale and ensure no breach of peace takes place.

With the aforesaid observations, WPA 20359 of 2023 is disposed of.

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

[Jay Sengupta, J.]