

13.02.2023
Sl. No.7(DL)
srm

W.P.A. No. 25867 of 2022
Santosh Debnath & Anr.
Versus
The State of West Bengal & Ors.

Mr. Raghunath Chakraborty,
Mr. M. Ahmed
....for the Petitioners.

Mr. Susanta Pal,
Ms. Ananya Neogi
...for the State-respondents.

Mr. Tapash Kumar Dey,
Mr. Asish Kumar Dutta,
Ms. Saswati Ghosh
...for the Respondent Nos.9 to 11.

Affidavit filed on behalf of the petitioner No.2 is
taken on record.

The petitioners allege that beautification had been
done by the panchayat authorities on their land, but
without their consent.

On the contrary, the State-respondents had filed a
report, *inter alia*, stating that compensation up to
Rs.1,00,000/- was offered. The petitioner No.2 consented to
donate the land without any compensation, whereas the
petitioner No.1 refused to accept the monetary

compensation of Rs.1,00,000/-. The petitioner No.2 denies that contentions of the authorities.

This issue cannot be resolved by this Court and the law has to be followed. When the negotiations have failed, the authority has no other option but to proceed under Section 44 of the West Bengal Panchayat Act, 1973. Section 44 of the West Bengal Panchayat Act, 1973 clearly provides that if any private land is required for any developmental work by the panchayat authorities, consent of the landowners should be taken. If the landowners do not consent, the proceeding should be initiated either to acquire the land or to compensate the landowners in accordance with law. The authorities may also offer to purchase the land.

The District Magistrate, Hooghly, shall treat the writ petition as the representation of the petitioners and dispose of the same in accordance with law upon coming to a decision as to whether a portion of the lands occupied, owned and enjoyed by the petitioners had been utilized for any beautification work by the panchayat authorities. A reasoned order will be passed upon hearing the parties and communicated to all. Necessary directions shall be issued by the authorities, in accordance with law.

The entire exercise shall be completed within a period of four 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 District Magistrate, Hooghly.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)