

20.02.2023
Court No. 19
Item No.28
CP

WPA No. 28896 of 2022

Sri Chittaranjan Joardar
Vs.
The State of West Bengal & Ors.

Mr. H. Ghosh
Mr. S. Majumder

....for the petitioner.

Mr. Ansar Mandal
Mr. Hasibul Islam

...for the State.

Perused the report of the Block Development Officer, Krishnagar-I. The same is taken on record. It appears that the authorities have specifically stated that a concrete road had been constructed under MGNREGA Scheme in the financial year 2010 from Krishnagar – Mazdia Road to the house of Dulal Chandra Paul and upto the house of Kanai Karmakar on the left side of the road. The said road ends approximately 7 metres before Plot No. 1145 of Mouza – 100, Khamarpara, which belongs to the petitioner. According to the authorities, the plot is vacant. No dwelling house was found on the said plot. The said plot had been lying vacant for the last 12 years and was covered with wild trees and bushes.

The authorities did not refuse to construct the road upto the house of the petitioner at any point of

time, but had decided not to construct the road as the land was unused and vacant. The land was not at all maintained by the petitioner.

The other contention of the petitioner that the land in the area had been classified as 'Aush' was also found to be incorrect. The lands were classified as 'vitti' and the road was accordingly constructed.

The authority has reported that the Pradhan, Poragachha Gram Panchayat had given an incorrect information that the lands were classified as 'Aush'. An inspection was held in the presence of the petitioner and the petitioner had submitted a declaration that there was no pucca construction on the land. Photographs have also been supplied with the report which do not indicate that there is any semblance of habitation on the plot in question. The plot is full of bushes and shrubs and completely uninhabitable.

The court does not find any illegality on the part of the authorities.

If in future, the petitioner decides to develop the land by construction of a house upon obtaining necessary permission and statutory clearance, the petitioner may approach the authority for extension of the road.

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.)