

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A.520 of 2024
Sabnam Kazi
-versus
The State of West Bengal & Ors.

Mr. Mohinoor Rahaman
Ms. Iqra Rahaman
... for the petitioner.

Mr. Avijit Sarkar
Ms. Tanuja Basak
... for the State.

The petitioner complains that the Panchayat is forcefully raising construction over the private land of the petitioner. Objection filed before the respondent authorities is pending consideration.

None represents the Panchayat.

Learned advocate representing the State respondents is yet to receive instruction in the matter.

It is settled law that the private land of a party cannot be forcefully occupied and used for raising construction by a statutory authority. If the Panchayat is of the opinion that the land in question will be required for the construction of the Panchayat building, then steps may be taken for acquiring the same in accordance with law. The Panchayat, under any circumstances, cannot raise construction over the private land of the petitioner without the authority of law.

As it appears that the objection filed before the State respondent is pending consideration, accordingly, the instant writ petition is disposed of by directing the

Block Development Officer, Manteswar, the respondent no. 4 herein to cause a spot inspection to ascertain as to whether the private land of the petitioner has been used for raising construction of the Panchayat building.

The spot inspection shall be conducted upon notice to the petitioner, the Panchayat authority and all other necessary parties at the earliest but positively by January 22, 2024.

If it appears that the construction is made over the private land of the petitioner, then necessary remedial steps shall be taken. Till a decision is taken in the matter, the Pradhan of the Gram Panchayat is restrained from proceeding with the construction of the building over the private land of the petitioner.

Learned advocate for the petitioner is directed to immediately communicate this order to the Block Development Officer, Manteswar and also to the Pradhan of the Gram Panchayat.

Learned advocate representing the State respondents is also directed to communicate this order to the Block Development Officer for compliance.

The writ petition stands disposed of.

Affidavit-of-service filed in Court today is taken on record.

Urgent certified copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)