

In The High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side

W.P.A.748 of 2024  
Manirujjaman & Ors.  
-versus  
The State of West Bengal & Ors.

Sk. Rejaul Alam  
... for the petitioners.

Mr. Arka Kumar Nag  
Mr. Ritesh Kumar Ganguly  
... for the State respondents.

The petitioners complain that the Panchayat is taking steps for construction of concrete road by utilizing the private land of the petitioners.

The petitioners have already made a complaint before the District Magistrate, Purba Medinipur highlighting their grievances. The same is yet to be considered.

It has been pointed out that the Panchayat Samity has already floated tender for construction of the road and the road will be constructed very soon.

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

Without proper instruction from the Panchayat, the writ petition cannot be adjudicated effectively. As there is urgency in the matter, the Court is minded to dispose of the writ petition by passing the following order.

The Sub-Divisional Officer, Haldia is directed to consider the representation that has been filed by the petitioners objecting to the construction of the road

without acquiring their private land, strictly in accordance with law at the earliest but positively prior to the issuance of the work order by the Panchayat Samity apropos the tender notice floated vide Memo No. 1130 dated December 28, 2023.

If required, the Sub-Divisional Officer may conduct a spot inspection to ascertain proper facts, upon notice to the necessary parties. The report of spot inspection shall be served upon the petitioners.

If it appears that remedial measures are required to be taken, then the same shall be taken by the concerned authority in accordance with law. If the Sub-Divisional Officer rejects the prayer of the petitioners, then a reasoned order shall be passed and communicated to the petitioners immediately thereafter.

Learned advocate representing the petitioners is directed to forward a copy of the representation dated January 2, 2024 addressed to the District Magistrate, Purba Medinipur and the tender notice dated December 28, 2023 to the Sub-Divisional Officer, Haldia at the time of communicating the order of the Court.

The writ petition stands disposed of.

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

**( Amrita Sinha, J.)**