

08.02.2024

43

PG/KS

Ct. No.1

**W.P.A.(P) 48 of 2024**

**Jagannath Rana & Ors.**

**Versus**

**The State of West Bengal & Ors.**

Mr. Soumen Kumar Datta

Mr. Partha Sarathi Basu

Sk. Sayanuuddin

.....for the petitioners

Mr. Samrat Sen, Ld. A.A.A.G.

Mr. Saikat Chatterjee

.....for the State

1. By way of this public interest litigation, the petitioners pray for a direction upon the authorities to construct the Anganwari Centre in the land, which was gifted by the local villagers for the specific purpose and not to shift the construction to Plot No.539, which is being used as a village road.
2. The learned Government counsel has obtained instruction from the Officer-in-Charge, Ramnagar Police Station from which it is seen that the gift has been accepted and not disputed and it is further stated in the written instruction that the village road is used for public ingress and egress and the road cannot be encroached for the purpose of setting up the Anganwari Centre, which will cause great prejudice to the public at large.

3. It is submitted that based on the said representation, which is also mentioned in the writ petition, enquiry was conducted and it reveals that the construction of Anganwari Centre is gifted by Ramchandra Maity, Rabindra Maity and Gobinda Maity and the Deed of Gift has been executed in favour of the Governor, West Bengal by deed dated 19<sup>th</sup> March, 2019. If the Deed of Gift is not in dispute and the gift was for the specific purpose of constructing of Anganwari Centre, then the construction shall be proceeded only in Plot No.86 namely in the property, which was gifted for the specific purpose. The authorities shall ensure that no part of the village road in Plot No.539 is encroached and the construction of the Anganwari Centre be confined within four boundaries of the land, which was gifted.
4. With the above observations and directions, W.P.A.(P) 48 of 2024 stands disposed of.
5. No costs.
6. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

**(T.S SIVAGNANAM)**  
**CHIEF JUSTICE**

**(SUPRATIM BHATTACHARYA, J.)**