

10 27.02.2024
NB Ct. 24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(Appellate Side)

WPA 4962 of 2024

Smtya Ilarani Sahoo
Vs.
The State of West Bengal & Ors.

Mr. Pratip Kr. Chatterjee,
Mr. Masud Mallik.
...for the petitioner.

Ms. Sweta Mukherjee.
...for the State.

The petitioner alleges that the Panchayat Samity is constructing a drain over the private land of the petitioner. Objection was raised by the petitioner before the Panchayat Samity. The same is pending consideration.

According to the provisions of law, private land of a party can be used for public use only after the same is acquired in accordance with law.

In the instant case, the petitioner alleges that no acquisition has been done but the Panchayat Samity has taken steps to forcefully construct the public drain over her private land. If the drain is allowed to be constructed, then foul water will accumulate over the private land of the petitioner.

As it appears that the objection filed by the petitioner is pending consideration before the Panchayat Samity, accordingly, the instant writ petition is disposed of by directing the respondent no.7 to consider the grievance of the petitioner in accordance with law and dispose of the same at the earliest,

but positively within a period of fourteen days from the date of communication of this order.

The Block Development Officer shall cause a spot inspection to ascertain the exact position of the drain which is being constructed. If it appears that the same will be constructed over the private land of the petitioner, then necessary remedial steps shall be taken.

Learned advocate for the petitioner is directed to forward a copy of the representation dated 31st January, 2024 to the aforesaid respondent at the time of communicating the order of the Court.

Report filed by the Khejuri Police Station be retained with the records.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)