

Item No. ML. 307
01.05.2024
AGM

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 5139 of 2024

**Netai Raman Bairagi & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Byomkesh Mondal.
...For the Petitioners.**

**Mr. Swapan Banerjee.
Mr. Soumen Chatterjee.
... for the State.**

The petitioners complain that the Panchayat Samity has constructed a public road over the private bastu land of the petitioners without issuing any notice and without acquiring the land in accordance with law.

An objection was lodged before the respondent authorities in January 2024 but the same is alleged to be kept pending.

According to the provision of law, private land of an individual cannot be utilized for public purpose without the same being acquired in accordance with law.

In the present case, allegation is that the private bastu land has been utilized for construction of road. The same is impermissible.

In view of the above, the instant writ petition is disposed of by directing the respondent no. 4, the District Magistrate, South 24 Parganas to consider and dispose of the representation made by the petitioners, strictly in accordance with law, after giving an

opportunity of hearing to all the necessary parties, including the petitioners, at the earliest, but positively within a period of sixteen weeks from the date of communication of this order. The said respondent shall pass a reasoned order and communicate the same to all the necessary parties, including the petitioners, immediately thereafter.

It is made clear that this Court has not entered into the merits of the claim made by the petitioners and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioners.

Learned advocate appearing for the petitioners is directed to forward a copy of the representation dated 30th January, 2024 to the aforesaid respondent 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.)