

05 04.03.2024
NB Ct. 24

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

WPA 5742 of 2024

Smt. Bhagya Mondal
Vs.
The State of West Bengal & Ors.

Mr. Meghnad Dutta,
Sk. Mustafi Rahaman,
Ms. Saswati Manna.
...for the petitioner.

Mr. Lalit Mohan Mahata, Ld. AGP
Mr. P. B. Mahata.
..for the State.

The writ petitioner alleges that the Panchayat is constructing a road over the private land of the petitioner without obtaining permission or consent from the petitioner and without payment of necessary compensation.

Objection was filed before the respondent authorities in January, 2023 but the same is yet to be considered and disposed of.

None represents the Panchayat.

It appears that certain portion of the petitioner's land was utilised for construction of dam. The petitioner submits that compensation was not paid for such construction of dam.

Presently, road is being constructed over the private land of the petitioner without acquiring the same in accordance with law.

It is settled law that the private land of an individual cannot be utilised for public purpose without acquiring the same

in accordance with law and without payment of necessary compensation.

As the objection filed by the petitioner is pending consideration, accordingly, without entering into the merit of the claim of the petitioner, the instant writ petition is disposed of by directing the Block Development Officer to take into consideration the legal representation filed on behalf of the petitioner in January, 2023 in accordance with law after giving a reasonable opportunity of hearing to the petitioner. A reasoned order shall be passed and communicated immediately thereafter.

If it appears that the petitioner will be entitled to the compensation as claimed for, then necessary remedial steps shall be taken by the aforesaid respondent.

Steps shall be taken in the matter at the earliest but positively within a period of ten weeks from the date of communication of this order.

Learned advocate for the petitioner is directed to forward a copy of the legal representation dated 30th January, 2023 along with other supporting documents to the Block Development Officer at the time of communicating the order of the Court.

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.)