

05.11.2024
Aloke
ct no. 30
sl no. 37

WPA 4669 of 2019

Pradip Kar

Vs

The State of West Bengal & Ors.

Mr. Prasanta Kr. Banerjee

.....For the Petitioner

Mr. Abdus Salam

..... For the State-Respondents

- 1.** Learned counsel for the petitioner and the State are present.
- 2.** The present writ petition of the year 2019 has been preferred by the writ petitioners praying for direction upon the respondent authorities to remove the illegal construction of road made by them on the petitioner's bastu land in question and also to take necessary steps for considering the representation filed by the petitioner.
- 3.** Both parties are heard.
- 4.** The petitioner's case is that he purchased the property from one Jaipal Singh through Registered Sale Deed being No. 3398 dated 23.07.1989 and is possessing the

said property. The description of the land is given below:-

District	Mouza	P.S.	J.L. No.	Khaitan No.	R.S. Dag No.	L.R. Dag No.	Measuring of land
Hooghly	Boinchi	Pandua	20	1441/1	5173 (P)	5148 (P)	0.03 decimal

5. It is further submitted that his name is already recorded in the record of right and wherein it is mentioned that he is the owner of 0.03 satak of land as a viti. It is further submitted that he is residing in the said land in question permanently by making a pucca construction of house and he is residing there for more than 28 years.
6. It is further stated that his land is situated at the road of Choubera, Boinchigram just in front of the Panchayat road.
7. It is further submitted that the petitioner recently found that new construction of road is being made at Choubera, Boinchigram and the local Gram Panchayat is trying to construct road by encroaching the petitioner's land.
8. It is further submitted that the said Panchayat Authority through his men is using C.P. Machine for cutting the earth of the road and has forcibly taken

away the petitioner's own land and is trying to construct new road through the said land of petitioner.

9. **It is further submitted that he made a representation on 12.06.2018 before the Pradhan, Batika-Boinchi Gram Panchayat informing that he has no land except this land and his land should not be used for making new road of Gram Panchayat.**
10. It is further stated that the petitioner made a representation before the Block Development Officer, Pandua i.e. respondent no. 4 requesting him not to use the petitioner's land for construction of new road and also requested him not to fill up his land with soil as he has no other land except this 0.03 satak of land.
11. It is further stated that the petitioner also made a representation on 26.12.2018 before the District Magistrate, Hooghly i.e. respondent no. 2 requesting him not to encroach his land in question for construction of new road by the Gram Panchayat as the petitioner's land is not at all required to make the new road in question as there is enough existing land for construction of new road.
12. It is further submitted that the petitioner thereafter also made a representation on 24.01.2019 before the respondent no. 3 requesting him to stop the illegal encroachment of bastu land of petitioner which is not

at all necessary for making new road in question for the Panchayat road as the land is the petitioner's bastu land and total land is only 0.03 satak and there is no other land of the petitioner in the said area and on the said land the petitioner constructed his own house and if the land is encroached for construction of new road, his house will be damaged and he will be ruined.

13. It is the case of the petitioner that till date the respondent authorities have not considered the representation filed by him.
14. **Considering the submissions and the materials on record including the nature of the dispute, the present writ petition is disposed of with the direction that the respondent authorities, taking the assistance of the local Block Land and Land Reforms Officer, shall consider the representation of the writ petitioner within a period of 60 days from the date of this order on giving proper hearing to the writ petitioner who may be represented by his learned counsel.**
15. **The final decision of the authorities concerned be communicated to the petitioner on conclusion of the hearing.**
16. There will be no order as to costs.
17. All connected applications, if any, stand disposed of.
18. Interim order, if any, stands vacated.

- 19.** Urgent Photostat certified copy of this judgment, if applied for, be supplied to the parties expeditiously after due compliance.

(Shampa Dutt (Paul), J.)