

Item No.48

21.02.2024
Ct-24

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 7033 of 2022
Suparna Kanrar

v.

The State of West Bengal & Ors.

Mr. Suman Banerjee
... for the petitioner.

Mr. Sadhan Kumar Haldar
Mr. P. Goswami
...for the State.

The petitioner alleges that the Panchayat has constructed public road over her private property without acquiring the same in accordance with law.

Objections were filed before the respondent authorities but none has been considered.

According to the provisions of law private land of an individual may be utilized for public purpose provided the same is acquired in accordance with law. The public authority cannot forcefully occupy a private land and use it for public purpose.

As it appears that the objection filed by the petitioner is pending consideration before the respondent authorities, accordingly, the instant writ petition is disposed of by directing the Block Development Officer, Amta-1 being the respondent no. 4 to consider and dispose of the complaint lodged by the petitioner on March 14, 2022 in accordance with law after giving reasonable opportunity of hearing to all the

necessary parties including the representative of the Gram Panchayat.

If it ultimately transpires that the private land of the petitioner has been utilized for public purpose, then necessary remedial steps shall be taken by the aforesaid respondent.

Steps shall be taken in accordance with law at the earliest but positively within a period of twelve weeks from the date of communication of this order.

Learned advocate for the petitioner is directed to forward a copy of the representation dated March 14, 2022 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.

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(Amrita Sinha, J.)