

04
25.04.2024
d.p.

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

W.P.A 11334 of 2024

**Abdul Aziz Mallick
-versus
The State of West Bengal & Ors.**

**Ms. Pampa Dey (Dhabal),
Ms. Sangita Banerjee.
...For the Petitioners.**

**Mr. Santanu Kumar Mitra, SGA
Mr. Subhabrata Das.
...For the State.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner complains that the Gram Panchayat is constructing road over the private land of the petitioner which is recorded as 'Sali' and 'Pukur'.

Objection was filed before the Block Development Officer and the Pradhan of the Gram Panchayat. None has been taken up for consideration till date.

It has been submitted that after the complaint was lodged before the Gram Panchayat, the Pradhan of the Gram Panchayat threatened the petitioner to withdraw the writ petition. The petitioner lodged complaint before the police.

Learned advocate appearing for the State respondents has obtained instruction from the Block Development Officer. The Gram Panchayat has communicated to the Block Development Officer that in view of the objection raised by the petitioner, the work of construction of road has presently been suspended.

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. The Panchayat cannot forcefully construct road over the private land of the petitioner. The plots of land are recorded as 'Sali' and 'Pukur'. No construction could have been made without conversion of the classification of the subject plots of land.

As it appears that the objection is pending consideration before the Block Development Officer, accordingly, the said officer being the respondent no.5 herein is directed to consider the objection filed by the petitioner in the month of March 2024 in accordance with law, after giving a reasonable opportunity of hearing to all the necessary parties including the Panchayat and, thereafter, take a decision in the matter.

A reasoned order shall be passed and communicated to the parties. A decision shall be taken in the matter at the earliest, but positively within a period of twelve weeks from the date of communication of this order.

The Block Development Officer shall ensure that till the objection filed by the petitioner is not disposed of, the construction of road over the disputed place shall not be made by the Panchayat.

Report filed by the Inspector-in-Charge, Budge Budge Police Station dated on 25th April, 2024 be retained with the record.

The communication dated 22nd April, 2024 made by the Gram Panchayat through the Block Development Officer be also taken on record.

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.)