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19.02.2024
d.p.

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

W.P.A 23733 of 2023

**Gulbahal Sk & Anr.
-versus
The State of West Bengal & Ors.**

**Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee,
Mr. Souvik Dey,
Ms. Tapati Saha.
...For the Petitioners.**

**Ms. Mitali Mukherjee,
Mr. Debansu Nandi.
...For the State.**

The petitioners claim to be the owners of the plot no. 271/470.

Allegation of the petitioners is that the Panchayat constructed a concrete road over the private land of the petitioners without acquiring the same.

Objection appears to have been lodged by the petitioners after the land was made concrete.

In the instant writ petition the petitioners pray for removal of the illegal construction of the concrete road.

Report has been filed by the Block Development Officer, Raghunathganj-I Development Block

wherefrom it appears that the road has been constructed over plot no. 271/470.

According to the provisions of law, if private land is required for public purpose, the same is to be acquired in accordance with law.

In the present case, the petitioners allege that the Panchayat has forcefully constructed the public road over their private land.

As the petitioners have made allegation against the Gram Panchayat, accordingly, the Block Development Officer, Raghunathganj-I Development Block is directed to consider the grievance of the petitioners and if it appears that the private land of the petitioners has been utilized for public purpose, then necessary steps shall be taken for acquiring the same in accordance with law upon payment of compensation.

A decision shall be taken in the matter after giving a reasonable opportunity of hearing to all the necessary parties including the gram panchayat at the earliest but positively within a period of eight weeks from the date of communication of this order.

A reasoned order shall be passed and communicated to the parties immediately thereafter.

If the Block Development Officer is of the opinion that the grievance of the petitioners is genuine, then necessary consequential steps shall be taken in the matter.

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.)