

33 13.03.2024
AGM/NB Ct. 24

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

WPA 28729 of 2023

Prosenjit Kuti
Vs.
The State of West Bengal & Ors.

Mr. Lakshminath Bhattacharya.
..for the petitioner.

Mr. Jyoti Prakash Chatterjee,
Mr. Sabyasachi Chakraborty.
...for the State.

Ms. Mekhla Sinha,
Ms. Malabika Roy Dey.
...for the Howrah Zilla Parishad.

The petitioner complains that the Panchayat is constructing a road over the private land of the petitioner despite objection being raised.

None represents the Panchayat authority.

Learned advocate representing the State respondents is yet to receive instruction in the matter.

According to provisions of law, the Panchayat can utilize the private property but only after the same is acquired in accordance with law.

In the instant case, allegation is that Panchayat is forcefully making construction of road over the private property of the petitioner. The same is impermissible in law.

In view of the above the instant writ petition is disposed of by directing the Block Development Officer (respondent no.8) to consider the objection filed by the petitioner on 20th

November, 2023 in accordance with law after giving reasonable opportunity of hearing to the petitioner and the representative of the Panchayat.

Spot inspection shall be conducted to ascertain as to whether the place over which the road has been constructed is the private property of the petitioner or not.

If it appears that the land in question is the private land of the petitioner, then necessary steps shall be taken in accordance with law to remedy the act of the Panchayat in raising construction without acquiring the land.

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

Learned advocate representing the petitioner is directed to forward a copy of the representation dated 20th November, 2023 to the aforesaid respondent along with other documents in support of the ownership of the land in question 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.

(Amrita Sinha, J.)