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**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

WPA/174/2024

PRADIP BARMAN
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Joydeep Kanta Bhowmik,
Ms. Rikta Sarkar.
...For the Petitioner.

Mr. Subir Kr. Saha, AGP,
Ms. Bedashruti Bose.
...for the State.

Mr. Shubham Kumar.
...For the Respondent nos. 4,5,6& 9.

The grievance of the petitioner is that the Panchayat has taken physical possession of his private land for construction of a water reservoir but process of acquisition has not yet been finally concluded. No compensation on the ground of acquisition of the land has been awarded.

None represents the Pradhan of the Gram Panchayat. Some of the Gram Panchayat members who have been impleaded in the writ petition submits that the Pradhan does not have any objection to acquire the land of the petitioner.

Learned advocate representing the State respondents does not have any instruction in the matter.

The Court is of the opinion that till the land is formally acquired, the petitioner will not have a right to receive compensation. Though the petitioner submits that physical possession of the land has been taken by the Panchayat, but there is no document in support of

such statement. It appears that there are divergent views of the members of the Gram Panchayat for which the land could not be formally acquired. Till the land is formally acquired and compensation on account of the same is paid, it will be open for the petitioner to use the land for his personal benefit.

If the petitioner intends to raise any grievance, then a formal objection giving details may be filed before the Assistant Engineer of the Public Health and Engineering Directorate, Cooch Behar. Neither the Pradhan nor the members of the Gram Panchayat will object the petitioner from enjoying his own land for his personal use.

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.)