

A-101 & 102
06.08.2025
Court No.14
AGM

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 27761 of 2023

With

WPA 9029 of 2024

Sri Asit Ranjan Naskar & Anr.

Vs.

The State of West Bengal & Ors.

Mr. N. G. Sarkar.

Mr. Samrat Chowdhury.

Mr. Devranjan Das.

Mr. Partha Mukherjee.

Mr. Sujan Roy.

...for the Petitioners.

Mr. Soumitra Bandopadhyay.

Mr. Srinath Singha Roy.

... for the State.

Mr. Tirtha Pati Acharya.

... for the Union of India.

1. Supplementary affidavit by the petitioners filed in Court today be kept with the records.
2. The petitioners claim to be owners of plot nos. 5433 and 5434 which are bastu in nature and plot nos. 5431 and 5430 which are danga in nature in L. R. Khatian Nos. 261 and 1748 of Mouza-Dhamua, P.S. Magrahat, District- South 24 Parganas.
3. The petitioners allege that the Panchayat authority is taking steps for laying pipeline under their private plot of land and also taking steps to make the said land concrete.
4. The Panchayat is not represented.

5. The State respondents have filed a report signed by the engineers of the Public Health Engineering Directorate which mentions about laying of the pipeline in the interest of public service.
6. The report specifically mentions that there is no way to understand that the road/land underneath which the pipeline is laid is a private land instead of the panchayat road.
7. From the aforesaid report it appears that there is an issue with regard to identification of the owner of the land. The official respondents are not aware as to whether the place where the pipelines are being laid and proposal has been made to make the land concrete, belongs to the State or not.
8. Without ascertaining as to whether the land in question belongs to the State, the authority ought not to have taken steps for laying the pipeline without the knowledge or consent of the owner(s) thereof.
9. It has been submitted that the pipeline has already been laid but construction of the concrete road has stopped.
10. It has been submitted that no water connection has been given till date.
11. Be that as it may, it is open for the public authority to acquire any private land if the same is required for public purpose.
12. To ascertain as to whether the subject land is a private land or the same belongs to the Government, the concerned Block Land & Land Reforms Officer is directed to conduct a spot inspection upon prior notice to the petitioners in presence of the representative of the gram

panchayat to ascertain as to whether the land is a private land or not.

13. It if appears that the private land of the petitioners has been utilised for public purpose, then necessary steps for acquisition of the same in accordance with law shall be taken.

14. Steps 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.

15. Both the writ petitions are disposed of.

16. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)