

25.09.2025
Sl. No.30
Ct. No.42
ss

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 15378 of 2025

Tapas Kumar Bag

Versus

The State of West Bengal & Ors.

Mr. Rejaul Alam
Mr. S. M. Hassan
Ms. Anupama Yasmin

...for the Petitioner.

Ms. Bratati Roy Chowdhury

... for the State

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. By the present writ petition the petitioner seeks direction upon the respondent authorities to restore the petitioner's land or to pay him reasonable compensation for his land-in-question.
3. The petitioner contends that the predecessor-in-interest of the petitioner namely his father, Sudhangshu Sekhar Bag was the owner of the land comprised within plot No.463 Mouza Khanpur within Police Station Jamalpur, District Purba Bardhaman in the nature of 'Sali' measuring an area of 0.25 satak out of 0.33 satak. In the year 2019 a notification was published by the Jamalpur-II Gram Panchayat for construction a road under the scheme namely '*Pathasree Rastasree*' from the

house of Ranjan Adak, Badalpur to the Railway Chowmatha Pitch Road. The respondent no.7, the Pradhan, Jamalpur-II Gram Panchayat while making construction of such road illegally encroached the petitioner's land without acquisition and without taking permission from the petitioner. On 23rd October, 2019 the petitioner made representation before the Pradhan of local Gram Panchayat and thereafter before the Block Development Officer on 24th July, 2024. On 21st May, 2025 notice was issued to the petitioner by the respondent no.7, the Pradhan, Jamalpur-II Gram Panchayat for holding enquiry but till date no such enquiry has been held and the work of construction is going on. Being aggrieved by the action of the respondent no.7, the Pradhan, Jamalpur-II Gram Panchayat the petitioner has preferred the present writ petition.

4. Mr. Rejaul Alam, learned Advocate for the petitioner submits that as per Section 41 read with Section 44 of the West Bengal Panchayat Act, 1973 (*in short*, 'Act of 1973'), the Gram Panchayat has to acquire the property prior to making such construction and has to negotiate with the owners of the land. However, in the present case no such acquisition or negotiation has been made with the petitioner. The work of construction of road over the land of the petitioner has been undertaken arbitrarily by the local Gram Panchayat. Upon representation of the petitioner, though they were called for enquiry but nothing

fruitful has resulted so far. He seeks for an appropriate order of stay of further construction of the road.

5. Ms. Bratati Roy Chowdhury, learned Advocate for the State submits that the work of construction has already been stopped by the panchayat. The dispute has been diarized. She files a report furnished by the Officer-in-Charge of Jamalpur Police Station dated 23rd July, 2025, which is taken on record.

6. As per the report dated 23rd July, 2025 it is found that local gram panchayat has stopped the work of construction of said road. The matter has been diarized vide Jamalpur PS GDE No.768 dated 15th July, 2025.

7. Accordingly, the Block Development Officer, Jamalpur Block, respondent no.5 is directed to consider the representation of the petitioner dated 24th July, 2024 and dispose of the same in accordance with law after giving opportunity of hearing to the petitioner as well as other interested parties by passing a reasoned order within a period of six weeks from the date of communication of this order.

8. The reasoned order shall be communicated to the petitioner within a period of one week thereof.

9. The petitioner is directed to communicate this order to the respondent no.5, the Block Development Officer, Jamalpur Block for necessary action.

10. With the above direction, the writ petition being **WPA 15378 of 2025** stands disposed of.

11. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
12. Interim order, if any, stands vacated.
13. All connected applications, if any, stand disposed of.
14. There shall be no order as to costs.
15. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
16. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)