

Item No.6
17.04.2025
Court. No. 19
GB

W.P.A. 19251 of 2024

Anshuman Bhattacharya & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Dyutiman Banerjee,
Mr. Amartya Basu,
Mr. Bodhisatya Halder

...for the Petitioners.

Mr.Soumitra Bandyapadhyay,
Mr. Priyabrata Batabyal

...for the Stae.

1. Affidavit-of-service as filed today on behalf of the writ petitioner is taken on record.
2. In the instant writ petition the writ petitioners have prayed for issuance of appropriate writ/writs against the respondent authorities for initiating a proceeding for acquisition under the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the 'said Act of 2013' in short) and to disburse compensation to the writ petitioners for construction of a road over the land of the writ petitioners.
3. In course of his submission Mr. Banerjee, learned advocate appearing on behalf of the writ petitioners submits before this Court that all on a sudden a notice board was displayed for construction of a road under Pathashree 3 Scheme over the plots of land as occupied by the writ petitioners. Drawing attention to page nos.58 and 59 of the instant writ petition being a

copy of letter dated July 19, 2024, it is submitted that in Mouza – Kekapur under P.S. – Keshpur, District – Paschim Medinipur, the writ petitioners own and possess portions of various plots, particulars of which have been mentioned in prayer ‘B’ of the instant writ petition.

4. It is submitted on behalf of the writ petitioners that since the respondent authorities have not taken any steps for acquisition of the land of the writ petitioners and on the contrary the said authorities are bent upon to construct the aforesaid road under Pathashree 3 Scheme by encroaching and/or by grabbing a portion of the writ petitioners’ land in the aforementioned L.R. plots, the writ petitioners found no other alternative but to approach this Court by filling the instant writ petition.
5. Per contra, Mr. Bandyapadhyay, learned Senior Government advocate appearing on behalf of the State authorities also draws attention of the Court to page no.58 of the instant writ petition. It is submitted that from the copy of the letter dated July 19, 2024 it would reveal that a road from Makalchak to Hijli was pre-existing and under the said scheme of Pathashree 3 an endeavour has been made to make the said road as metal road.
6. Such contention is, however, opposed by Mr. Banerjee, learned advocate for the writ petitioners. He submits that from page no.47 of the instant writ

petition it would reveal that under the said scheme the respondent authorities have initiated construction of a new road from Bardhaman road to Hijli village.

7. On careful consideration of the entire materials as placed before this Court, this Court while disposing the instant writ petition directs the respondent no.4, that is, the Block Development Officer, Keshpur, District – Paschim Medinipur to consider the copy of the instant writ petition as a representation of the writ petitioners. This Court further directs the respondent no.5, that is, the Block Land and Land Reforms Officer, Keshpur to cause an enquiry with regard to the grievance of the writ petitioners by field verification after giving due notice to the writ petitioners. The respondent no.5 is directed to submit his report after such field enquiry with the respondent no.4 positively within a period of thirty working days from the date of communication of the server copy of this order.
8. The respondent no.4 on receipt of such report from the respondent no.5 shall issue a notice to the writ petitioners and after giving an opportunity of hearing to the writ petitioners and/or their authorized representative shall pass a reasoned order in the light of the report submitted by the respondent no.5 and shall communicate such reasoned order to the writ petitioners forthwith preferably by mail, if the email

details of the writ petitioners are provided to him at the time of hearing.

9. Both the respondent nos.4 and 5 are directed to act on the server copy of this order.
10. The entire exercise as indicated in the foregoing paragraphs is to be completed by the respondent no.5 also within a period of sixty working day from the date of receipt of the report from the respondent no.4.
11. Liberty is given to the learned advocate on record for the writ petitioners to forward the server copy of this order along with a copy of the instant writ petition to the respondent nos.4 and 5.
12. Before parting with, it is made clear that while disposing the instant writ petition this Court has not gone into the merits of the instant writ petition especially with regard to the alleged title of the writ petitioners over the plots of land as mentioned in the prayer 'B' of the instant writ petition and thus, before the respondent no.4 all points are kept open. In the event, the respondent no.4 finds sufficient justification in the representation of the writ petitioners, he is at liberty to take appropriate step in accordance with law.
13. It is also made clear that since no affidavit has been called for, the allegations as made in the writ petition by the writ petitioners are deemed to have been denied.

14. With the aforementioned observations the instant writ petition is disposed of.
15. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)