

22.5. 2025
item No.18
n.b.
ct. no. 24

WPA 21450 of 2018

Ashfakuddin Munshi
Vs.
The State of West Bengal & Anr.

Mr. Atis Kumar Biswas,
Mr. Amit Singh,
Ms. Jyoti Agarwal
..... for the petitioner.
Mr. Debabrata Mondal,
Ms. Sreetama Neogi,
Ms. Ditipriya Mondal,
..... for the respondent nos. 11 & 12.
Mr. Suman Sengupta,
Mr. Sanatan Panja,
.... For the State.

Petitioner approached this Court for removal of alleged illegal encroachment made by private respondent nos.11 & 12 over government land possessed by PWD Department in front of plot no.8380, Mouza- Palsunda within the district of Nadia.

During the continuation of the instant writ petition, concerned Block Land & Reforms Officer inspected the plot of land and alleged unauthorized construction. After thorough inspection, the Block Land & Reforms Officer concerned submits a report through a memo to the concerned engineer, Palsunda, Highway Division, PWD Roads Directorate dated December 5, 2018.

The report is placed by learned counsel Mr. Sengupta on behalf of the State.

The report reflects that:

“Sub:- Demarcation of Govt. Land beside Kulgachhi-Barnia Road near Polsunda Bus stand at Mouza-Palsunda, JL no.14. in front of dag no.8330, Ps. 8380, Ps-Palshipara, Dist Nadia,. In the matter of WP No.21450(w) of 2018 Asfaduiddin Munshi Vs. The State of West Bengal & Ors.

Ref: Memo no.612, dated 15.11.2018 of AE of Plassey Highway Sub Division, PW(Roads) Directorate, memo no.2114(4) TS, dated 03-7-2018 and 3223(4) TS, dated 27-11-2018 of SDO. Tehata.

With reference to the above, this is to inform you that the demarcation work on plot no.8352 under Ujirpur Mouza, JL no.14 in connection with Kh no.01 of the Govt. land has been completed on 03-12-2018 in presence of you representatives.

As per the report of the inquiring Officer, it is found that the ingress and egress of the petitioner, Asfakuddin Munshi, s/o Jahadar Sk. The land possessed by Asfakuddin Munshi is denotes with ‘A’ in the sketch map. The area which denotes with red ink in the sketch map of an area 06 sq feet marked as ‘C’ in plot no.8352 in frond of plot no.8380 is possessed by Pijan Mondal. The area which denotes with green ink in the sketch map with area 940 sq feet approx marked as ‘B’ is possessed by one Chhalim Sk. During enquiry it is found that an 11(eleven) feet wide village road is passing by the land possessed by Asfakuddin Munshi in plot no.8380. And during enquiry the Assistant Engineer of PWD Department declared that it is village road but it is not belong to PWD department.

This is for your kind information and taking necessary action.

The report also appended a sketch map and copy of LR & OR of the plot of land in question. It appears from the report that the allegation of the petitioner regarding unauthorized construction in front of his plot of land is not correct. There is 11 ft. wide village road between the disputed plot no.8383 and the alleged unauthorized construction. It is the reflexion in the report that the unauthorised construction was made over village road but not belongs to PWD Department.

It is the contention of the learned counsel appearing on behalf of the private respondent that he did not make construction order any Govt. land but over his own plot of land.

Considering the report and considering the submissions made by the learned counsel for the parties, I think it necessary to direct the petitioner to approach the concerned Pradhan for his desired relieves. The allegation in the writ petition that due to unauthorized construction ingress and egress of the petitioner was blocked is appears to be not correct. However, there are some unauthorised construction over the village road. The Panchayat Authority has the domain to deal with this matter.

Accordingly, the instant writ petition is disposed of with a direction to the petitioner to approach the concerned Panchayat Authority by making the fresh representation for his desired relief within four weeks from the date of passing of this order.

The concerned authority after receiving such representation shall dispose of the representation within six weeks thereafter.

The concerned authority must provide necessary opportunity of being heard to all concerned.

The decision of the authority shall be intimated to the petitioner within two weeks thereafter.

I make it clear that this Court has not entered into the merit of this matter. The instant writ petition is disposed of on the basis of report filed by the concerned Block Land & Land Reforms Officer. If it appears to the concerned Panchayat authority that there are justification in the grievances of the petitioner, they shall take appropriate steps within four weeks from the date of passing of the order.

Report of the State be circulated upon both petitioner and the private respondent.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Subhendu Samanta, J.)