

Court No. 19
(265719)

02.12.2025
(AD 18)
(S. Banerjee)

WPA 24362 of 2025

Madan Mohan Bhaumik @ Madan Mohan Bhuiya
Vs.
The State of West Bengal & Ors.

Mr. Rwitendra Banerjee
Mr. Shibasis Chatterjee

...for the petitioner

Mr. Tanmay Basu

...for the respondent nos. 8 and 9

The petitioner claims to be a co-sharer of LR plot no. 1343 within Mouza – Gomokpota, District – West Midnapore. The petitioner alleges that the respondent authorities have started construction of a concrete road by utilizing the aforesaid property of the petitioner without initiating any proceeding for requisition and acquisition of the said land.

A report in the form of an affidavit has been filed by the Block Development Officer, Daspur-II, Gopiganj, being the 6th respondent.

Learned advocate appearing for the State submits that pursuant to a decision taken under “*Aamader Pada, Aamader Samadhan*” Scheme, the Panchayat authorities has taken a resolution to construct a concrete road for the use by the

inhabitants of the said village. He submits that for the purpose of development of the village, the said proposal was approved.

After going through the said report and the documents annexed thereto it appears that no consent of the petitioner or his co-sharers for constructing the road on the LR plot no. 1343 was obtained. No proceeding for acquisition of the said plot for the purpose of construction of road was also initiated.

From the Record of Right annexed to this writ petition it appears that Plot No. 1343 is recorded in the name of the petitioner along with the co-sharers and the classification of the land is recorded as 'Bastu'.

After going through the materials on record this court is of the considered view that the property of the petitioner was sought to be utilized for construction of a road without initiating any acquisition proceeding.

An owner of a property cannot be deprived of the right to enjoy the same without due process of law.

Learned advocate representing the Panchayat authorities submits that after the order dated

November 28, 2025 was passed, no further steps for construction of road has been taken.

In the light of the observations made hereinbefore, this writ petition stands allowed by passing an order of injunction restraining the respondent authorities from taking any steps to utilize the property of the petitioner for the purpose of construction of road, concrete or otherwise, without due process of law.

(Hiranmay Bhattacharyya, J.)