

06.04.2026
rc/ct.no.15
Item No.29

WPA No. 5228 of 2025
Anup Manna & Ors.
Versus
The State of West Bengal & Ors.

Mr. Bharat Chandra Simai ..for the
petitioners

Mr. Mrityunjoy Goswami
Ms. Kakali Pal ..for the State

Mr. Amit Baran Dash ...for the Private
Respondents

Mr. Santimay Bhattacharyya
Mr. Anirban Das ..for the respondent no.9

Report submitted by the State and exception used
by the petitioners are taken on record.

The petitioner complains that the Panchayat
authority is constructing a pacca road from Narayanchak
to Talda Ratanchak via Bulakipur under the Pradhan
Mantri Gramin Sadak Yojana Scheme and in deviation of
the initial plan, has encroached upon a portion of the
petitioners' land.

Such fact has been denied by the State and the
private respondents who submit that besides the said
portion of the plot, there is no other alternative road
through which the path can be constructed.

Pursuant to an order passed by a coordinate Bench
of this Court in W.P.No. 18511(W) of 2018 on December
03, 2018, the District Magistrate, by an order passed on

July 12, 2019, directed the Block Development Officer, Dantan-II to take steps to find out an alternative path bypassing the petitioners' plot in question as a special case with the help of the Block Land and Land Reforms Officer, Dantan-II. The Block Development Officer, Dantan-II was further directed to hold a coordination meeting between the petitioners, the co-owners of adjacent plots and other necessary parties to facilitate the issue. In the meantime, the existing road was directed to be kept open for use of the local villagers.

It appears from the report submitted by the State that the co-owners of the adjacent plots have no objection to the construction and have offered a certain quantum of land to the petitioners in lieu of the portion of land on which the road is proposed to be constructed. Such proposal has been refused by the petitioners. The report also states that the road was initially a mud road and is the only way of communication for the villagers of several villages.

It is not in dispute that the road in dispute was initially a mud road and is being converted into a metallic road under the Pradhan Mantri Gramin Sadak Yojana Scheme. The petitioners admittedly being the owners of the portion of the land through which the road is being constructed, have objected to such construction through their land.

In view of the above, this Court is inclined to hold that since the said portion of the land admittedly belongs to the petitioners, the concerned authority is required to take necessary steps for acquisition of the land in accordance with law in the event the land is required for the purpose of construction of the metallic road. Unless the land is acquired by due process of law, no further construction shall continue in the disputed portion of the road belonging to the petitioners.

The writ petition is disposed of.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh,J)