

08.04.2026
Sl. No.1(DL)
Ct. No.14
srn

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

**W.P.A. No. 14808 of 2024
(Assigned)**

Sri Dulal Das & Anr.

Versus

The State of West Bengal & Ors.

Mr. N.C. Bhandary

...for the Petitioners.

Ms. Rama Halder,
Md. Ziaur Rahaman

...for the State.

Mr. Robiul Islam,
Mr. Raju Mondal

...for the Respondent No.7.

1. This matter is appearing in the list under the heading “*For Orders*”.
2. By the present writ petition, the petitioners seek direction upon respondents particularly respondent no. 7 & 8 for cancellation of order and/or certificate that the petitioners’ “*raiya*” land is not the panchayat road and also to pay cost for issuing such fake certificate.
3. The petitioners contend that they are the co-sharers in respect of the plots within mouza Aladatpur, P.S. Falta, District-South 24-Parganas including R.S. Plot Nos. 552, 553, 554, 555 and 556. The local panchayat forcibly made construction of the road over such plots of land without taking recourse to law

misusing the Panchayat funds. Hence, this writ petition.

4. Mr. N.C. Bhandary, learned Advocate appearing for the petitioners submitted that the subject land belongs to the petitioners and other co-sharers. The construction of road has been undertaken over the land in question without acquisition in terms of the West Bengal Panchayat Act, 1973 (*hereinafter referred to as the "Act of 1973"*). Such fact was reported to the local gram panchayat. However, no steps were taken either for removal of the construction or compensating the petitioners. He seeks for appropriate orders for dismantling of the road constructed by the local gram panchayat over such plots of land.
5. Mr. Robiul Islam, learned Advocate representing the Pradhan, Harindanga II Gram Panchayat, South 24-Parganas submitted that the said road was a "*kacha*" road used by the villagers. Upon request by the villagers the road was made concrete utilizing the funds received by the panchayat under the 15th Finance Commission. However, he concedes that no such acquisition as per the Act of 1973 in respect of the plots in question were undertaken from the office of the local Gram Panchayat.
6. Ms. Rama Halder, learned Advocate appearing for the State-respondents submitted that the dispute is between the petitioners and local Gram Panchayat.

The Block Development Officer has no role to play so far as the construction of the road is concerned. The Block Land and Land Reforms Officer, Falta, South 24-Parganas has furnished its report pursuant to the order passed by this Court depicting the construction of the road over the subject plots.

7. At the outset, although it has been vehemently pressed into service on behalf of the petitioners for demolition of work of construction of road over the subject plots, however, there is no such specific prayer in the writ petition seeking demolition.
8. The facts as submitted by learned Advocates reveal that the work of construction of the road has been undertaken by the local Gram Panchayat without acquisition of the land in question and more so, no compensation has been paid to the landowners including the petitioners. The report of Block Land and Land Reforms Officer dated 30th March 2026 shows that road has been constructed upon the plots in question. It is not in dispute that the construction of the road has been made without acquisition of the plot in question. Section 44 of the Act of 1973 provides that where a Gram Panchayat requires land for carrying out any of the purposes of the Act, it may negotiate with the person or persons having interest in the said land, and if it fails to reach an agreement, it may make an application to the Collector for the acquisition of the land, who may, if he is satisfied that

the land is required for a public purpose, take steps to acquire the land and such land shall, on acquisition, vest in the Gram Panchayat.

9. Admittedly, no recourse to Section 44 of the Act of 1973 has been adopted by the local Gram Panchayat prior to undertaking the construction of road. Needless to mention that no negotiations with the co-sharers have been made nor any application is made to the Collector for acquisition in respect of the land in question.
10. Although prayer has been made in the writ petition for cancellation of order and/or certificate that the petitioners' "*raiyat*" land is not the panchayat road and also to pay cost for issuing such fake certificate, however, no specific order of which cancellation has been sought for or alleged fake certificate could be demonstrated during the course of hearing. Upon enquiry by the court, it is submitted on behalf of the petitioner that they have heard of such fact. Thus, such prayer is not at all tenable in the eye of law.
11. Bearing in mind the circumstances as above, the local Gram Panchayat is directed to take appropriate steps in accordance with Section 44 of the Act of 1973 for acquisition of the subject land either upon negotiation or make an application to the Collector for the same, so that compensation in respect of the subject land is paid to the co-sharers to extent of their shares in the

land, within a period of 12 weeks from the date of communication of this order.

12. Learned advocate for the petitioners is directed to communicate this order to the concerned authority for necessary compliance.
13. With the aforesaid direction, the writ petition being **WPA 14808 of 2023** stands disposed of.
14. Interim order, if any, stands vacated.
15. All connected applications, if any, stand disposed of.
16. There shall be no order as to costs.
17. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
18. 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.)