

March 24, 2026
(43) ARDR

WPA 20588 of 2024

Swapam Chakraborty & ors.
Vs.
The State of West Bengal & ors.

Adv. Subhadeep Chatterjee (VC),
Adv. Arpita Kundu,
Adv. Bithin Mandal,
Adv. Nilabha Roy,

...for the petitioners.

Adv. Santanu Kr. Mitra,
Adv. Anandamoyee Ghosh,

...for the State.

Affidavit of service and the supplementary affidavit filed by the petitioners and the report submitted by the State are taken on record.

The petitioners claim to be recorded owners of a portion of plot nos. 961 and 962 in Mouza Dignagar, District Nadia and allege that the Panchayat authority has constructed a water pump house and a dumping ground for accumulating garbage of the local area in a portion of the petitioners' land in violation of Section 44 of the West Bengal Panchayat Act. The petitioners submitted a representation before the concerned authority in this regard on 25th July, 2024 which is yet to be considered. The petitioners seek consideration of the same.

It appears from the report submitted by the State that a portion of plot nos. 961 and 962 wherein the alleged construction has been made is recorded under Khatian no.1 and belongs to the State. The question of acquisition

of the said portion of land does not arise. The land is demarcated by the Block Land & Land Reforms Officer and no portion of the land of the petitioners has been encroached by the Panchayat authority.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that the petitioners claim to be owners/occupiers of a portion of the plots in question and a portion thereof is recorded under Khatian no. 1. Since there is a dispute between the parties with regard to the portion of land where the alleged construction has been made, a joint enquiry is required to be held in order to ascertain whether the alleged construction has been raised in a portion owned by the petitioners.

In view of the above, the Pradhan, Dignagar Gram Panchayat, being the 7th respondent herein, is directed to consider and dispose of the representation submitted by the petitioners on 25th July, 2024 within six weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioners, in accordance with law. In dealing with the representation, the 7th respondent shall take necessary steps for holding a joint enquiry including measurement of the plots in question in order to ascertain whether the portion of the plots where the construction has

been raised falls within the raiyati land of the petitioners or are recorded under Khatianno.1.

In the event it is found that the disputed portion of the plot falls within the area owned by the petitioners and the construction raised therein is necessary for the benefit of the public at large, the concerned authority shall take necessary steps for acquisition of the land in accordance with law upon payment of adequate compensation to the petitioners. If it is found that the said land belongs to the petitioners and is not required for the purpose as stated above, the concerned authority shall take necessary steps for restoration of the land to its original condition.

It is made clear that the entire exercise shall be completed within six weeks from the date of communication of this order.

The writ petition is accordingly disposed of.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the 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.)