

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

WPA 24242 of 2023

**Brajballav Rana @ Nirapada Rana
Vs.
The State of West Bengal and Ors.**

**For the petitioner : Mr. Chittapriya Ghosh
Mr. Asit Baran Ghosh
Mr. Somesh Kumar Ghosh**

**For the State : Mr. Chandi Charan De,
Addl. Govt. Pleader
Ms. Reshma Chatterjee**

Item No. 15

Heard & Judgement on : 16.10.2023

Bibek Chaudhuri, J.

It is the case of the petitioner that out of 0.96 acres of land in L.R. Plot No.1591 under Mouza Gopalpur, J. L. No. 34 in the district of Bankura, the State Government allegedly acquired 0.48 acres of land. It is alleged by the petitioner that the petitioner did not get any notice for acquisition of land by the State Government. Sometimes in the

year 2023 he noticed some activities made by the employees and agents of the Government respondents and he came to know that out of 0.48 decimal of land a project under the name and style of "Jal Jeevan" is proposed to be constructed by the State Government. It is the case of the petitioner that the said 0.96 acres of land has not been demarcated as yet. The petitioner has been using the said land by planting some trees and by way of cultivation. There is also a cremation ground on the said land. Therefore, until and unless the said 0.48 acres of land allegedly vested in favour of the State Government is demarcated, no construction should be made over the subject land.

Mr. De, learned Additional Government Pleader submits that the petitioner may be directed to file a representation before the local BL&LRO praying for demarcation of 0.48 decimal of land in presence of the petitioner and the representatives of the State Government and thereafter construction of the project may be permitted.

This Court is of the view that the subject land is required to be demarcated first before raising any construction by the State respondent.

Therefore, the petitioner is given liberty to file a representation before the B L & L R O within 15 days for demarcation of the land in presence of the petitioner and the employees of the concerned

department. After demarcation a report shall be submitted both to the petitioner and the State Respondents. Entire exercise shall be made within 30 days from the communication of this order.

The parties are at liberty to act on the server copy of this order.

With the above direction, the instant writ petition is **disposed of.**

Till such demarcation the State Government will not make any construction over the subject land.

(Bibek Chaudhuri, J.)