15
22.12.2023
Court No. 24
AGM

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 28934 of 2023

Sk. Saiful Islam & Ors.
-versus
State of West Bengal & Ors.

Mr. Rabiul Islam.
Mr. Jayed Hossain.
...For the Petitioners.

Mr. Lalit Mohan Mahata.
Mr. Ziaul Haque.
... For the State.

Affidavit-of-service filed in Court today is taken on record.

The petitioners claim to be owners of certain plots of land. Their grievance is that the Panchayat authority without following the due process of law is constructing public road over their private property. Objection was filed before the Panchayat but the same has not been considered.

The petitioners allege that they were physically assaulted at the time of protest of construction of the road. A legal representation on behalf of the petitioners was also filed before the Block Development Officer. The same is pending consideration.

Without entering into the claim of the petitioners over the land in question where the public road is alleged to be constructed, the instant writ petition is disposed of by directing the Block Development Officer, Pingla Block to consider and decide the representation

filed on behalf of the petitioners on 15th of December, 2023.

A spot inspection shall be conducted to ascertain as to whether the private land of the petitioners has been used for construction of the public road.

If it appears that the private land of the petitioners will be required for construction of the public road, then necessary steps for acquisition of the same shall be taken.

A spot inspection shall be conducted upon notice to all the necessary parties. The report of spot inspection shall be circulated amongst the parties and thereafter an opportunity of hearing shall be given to all.

The Block Development Officer shall decide the issue in accordance with law at the earliest but positively within a period of four weeks from the date of communication of this order.

Till such time, the Block Development Officer is restrained from proceeding any further with the construction in question.

Leave is granted to the learned advocate-on-record of the petitioners to immediately communicate this order to the Block Development Officer.

The Block Development Officer shall act on the basis of the order that is available in the server duly downloaded from the official website of this Court.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)