

Court No. 2

29.09.2021

(Sl. 78)

(S. Banerjee/BP)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction**

WPA 1011 of 2021

Suren Tamang
Vs.
The State of West Bengal & Ors.

(Via Video Conference)

Mr. Probal Mukherjee, Sr. Advocate
Mr. Deborshi Dhar

... for the petitioner

Mr. Subir Kumar Saha
Ms. Bedashruti Bose

... for the State

Mr. Ujjwal Luksom

... for the respondent no. 8

Ms. Supriya Singh

... for the GTA

Let the supplementary affidavit filed by the petitioner be kept on record. Copy of such affidavit has been served upon the appearing respondents in the court today.

The petitioner submits that in terms of a detailed project report submitted for construction of a road from Chilawney Dara to Phaparkheti via Maipatey Gaon, work had commenced sometime in the year 2019. Survey having been done in the year 2014.

It is submitted that the original plan for the road came to be altered and a portion of the writ

petitioner's property has been constructed over by the Gorkha Territorial Administration ('GTA', for short).

Counsel for the GTA submits that the road itself was set up and laid down at the request of the residents of the area, including the writ petitioner. The land for construction of the road was voluntarily submitted by the petitioner according to the counsel for the GTA.

The petitioner denies the same vehemently and say that no portion or part of his land was ever surrendered for the purpose of the aforesaid road construction.

The petitioner demands compensation for the land on which road has been constructed.

In view of the stand taken by the GTA, this court is of the view that the matter cannot be decided without calling for affidavits.

Let affidavit in opposition be filed within a period of three weeks. Reply thereto, if any, within a period of one week thereafter. Liberty to mention after completion of pleadings.

The construction of the said road, however, shall not stop and the same shall be completed as expeditiously as possible.

(Rajasekhar Mantha, J.)