

D/L 63
30.04.2025
Court No.02
PRADIP

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

WPA 1001 of 2025

M/s. Shri Shiva Udyog & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Amales Ray, Sr. Adv

Ms. Esha Acharya

Mr. Nigam Mittal

Ms. Perna Mitra

... for the Petitioners.

Mr. Momenur Rahman

Mr. Sumit Kumar

...for the State.

1. None represents the Alipurduar Zilla Parishad despite service. Affidavit of service filed in Court today is taken on record.
2. The petitioners express apprehension on the verbal information to the general public by miking over the loudspeaker on 18th April, 2025 by the authority of the Alipurduar Zilla Parishad about the work of widening and construction of an existing road which is due to commence within a very short period of time.
3. The shop owners have been requested to dismantle and remove the structures in the aid of construction.
4. The petitioners have averred in the writ petition that immediately on hearing the aforesaid verbal information, representative of the petitioner no. 1 rushed to the office of the Executive Engineer of the Zilla Parishad to enquire with regard to the mode of action of the Zilla Parishad for widening and construction of the subject road as the business of the petitioners is just by the side of the said road.

5. It was informed that portions of plot nos. 56,1021,115,116,117 & 118 would be utilized for the purpose of widening and construction of the road.
6. The petitioners rushed to the Court by filing the instant writ petition alleging that the authority cannot be permitted to utilize the private land of the petitioners without acquiring the same in accordance with law.
7. As none represents the Zilla Parishad, the stand of the Zilla Parishad cannot be ascertained.
8. Learned advocate for the State is not aware about the fact of widening or construction of the subject road.
9. The petitioners refer to several provisions of law which requires negotiations to be carried out with the persons whose land may be required for public purpose.
10. It is settled law that private land, if required, may be acquired by the State for public purpose. Without proper acquisition or negotiation, the same cannot be taken away and utilized de hors the provision of law.
11. In view of the above, the instant writ petition is disposed of by directing that it will be open to the Alipurduar Zilla Parishad to take steps for widening and construction of the road in accordance with law.
12. In the event private land is required for the purpose of widening and construction, then steps shall be taken to acquire the same in accordance with law.
13. The writ petition stands disposed of.
14. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)