

11-12-2025
Item no.1 JPD
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
Special Civil Jurisdiction
(From the Principal Bench)

CPAN No.41 of 2025
M/s. Shri Shiva Udyog & Anr.
-vs-
Smt. Snigdha Saiba & Anr.
arising out of
WPA No.1001 of 2025

Mr. Amales Ray, sr. adv.
Ms. Mousumi Bhawal, adv. ...for the petitioners

Mr. Arnab Saha, adv. ...for contemnor no.1

Mr. Rajarshi Basu, adv.
Mr. Avishek Prasad, adv. ...for contemnor no.2

1. The petitioners claim to be in possession of certain plots of land over which road widening has been done without acquiring the same.
2. From the affidavit of compliance filed by the Executive Officer of the Alipurduar Zilla Parishad and Additional District Magistrate, Alipurduar, it appears that an inquiry was conducted to ascertain as to whether private land was used for widening and construction of the road without acquisition.
3. Report of the Revenue Inspector, Jateswar-II, Falakata dated August 1, 2025 clearly mentions that physical verification and measurement indicate that private land has been used for road expansion and construction activities. Several LR plot numbers of the land used for construction have been mentioned therein. The plot numbers which the petitioners claim to be occupying are indicated in the report of the Revenue Inspector.

4. Specific submission of the petitioners is that the construction work started after the order was passed by the Court which amounts to contempt.
5. Learned advocates representing the contemnors submit that from the affidavit that has been filed, it is apparent that the petitioners are not the owners of the subject plot of land. They may be in possession of the same, but there is no proof as such.
6. It has been submitted that the direction of the Court was passed upon the Zilla Parishad whereas the construction work has been done by the West Bengal State Rural Development Agency. Zilla Parishad was not responsible for such construction and, accordingly, the officers of the Zilla Parishad cannot be hauled up for contempt.
7. Learned senior counsel for the petitioners has relied upon the Rural Roads Sector II Investment Program prepared by the West Bengal State Rural Development Agency for the Asian Development Bank. Portions of the said planning document has been placed before this Court wherefrom it appears that the Zilla Parishad or the State cannot shrug off their responsibility in case private land is being used for public purpose.
8. There is a provision for formal consultation with the affected persons which appears not to have been done by the authority. Had the consultation process been conducted, then the objection could have been raised in proper time.
9. The contemnors contend that no construction has been made over the disputed plot of land. The aforesaid contention possibly cannot be held to be proper in view of the categorical statement made by the Revenue Inspector disclosing the plot numbers over which the construction has been made.

10. As the Executive Engineer of the Zilla Parishad happens to be the District Magistrate, accordingly, the District Magistrate, Alipurduar is directed to take all necessary steps in accordance with law, as the private land has been used for public purpose.
11. The authority is not required to enter into disputed question of title or ownership, but the authority shall ensure that compensation is paid to the proper person in accordance with law in view of the fact that private land of an individual has been used for public purpose.
12. Hearing of the contempt application stands deferred till March 19, 2026 when a further affidavit by the Executive Officer, Alipurduar Zilla Parishad and the District Magistrate, Alipurduar shall be placed before the Court on the returnable date disclosing the subsequent steps taken in the matter to comply with the direction passed by the Court.
13. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
14. Certified copy of this order, if applied for, shall be made to the parties.

[Amrita Sinha, J]