

S/L 171
30.06.2022
Court. No. 19
GB

WPA 2054 of 2022

Smt. Lakshmi Rani Dey
VS
The State of West Bengal & Ors.

Mr. Kalipada Chakraborty.

...for the Petitioner.

Mr. Ansur Mondal.

...for the State.

*Mr. Sibasish Ghosh,
Mr. Kalpayan Chakraborty.*

...for the Respondent No.6 to 18.

Affidavit-of-service filed in Court today, be kept with the record.

Despite service, none appears on behalf of the respondent no.5.

It is the contention of the petitioner that the respondent no.5 has blocked the ingress and egress of the petitioner to her house by erecting a bamboo fencing on a moram pathway.

On the basis of a complaint lodged by the son of the petitioner against an attempt on the part of the respondent no.5 to block the movement of the petitioners and the altercation which had taken place thereafter, Patashpur P.S. Case No.322 of 2020 dated August 21, 2020 under Sections 341/323/325/354/506/34 of the Indian Penal Code was registered and a charge-sheet has been submitted, upon completion of the investigation. The matter is pending trial.

Pursuant to a direction of the learned executive Magistrate, Egra, prosecution under Section 107 against the respondent no.5 was submitted and the said respondent was asked by the police authorities to remove the bamboo

fencing from the pathway for free ingress and egress of the petitioner. The other co-sharers, namely, the respondent nos.6 to 18 also do not have objection if the ingress and egress of the petitioners is allowed through the said moram pathway.

It is submitted by the petitioners, the police authorities as also the respondent nos.6 to 18 that the moram pathway is the only mode of ingress and egress from the public road to the petitioner's house and the bamboo fencing on such pathway amounts to public nuisance.

Under such circumstances, the police authorities shall take adequate steps in order to ensure that the pathway is not blocked. With regard to the other rights of the parties in respect of the land in question, the parties are at liberty to approach the civil court. The question of title, possession, encroachment, have not been gone into in this proceeding.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)