

27.09.2022
Court No.19
Item 54
CP

WPA No. 3509 of 2022

Manuara Khatun
Vs.
The State of West Bengal & Ors.

Mr. Manas Kr. Das
Mr. Asraf Mandal

... for the petitioner.

Mr. Susanta Pal
Mrs. Rupsa Chakraborty

...for the State.

The petitioner alleges that the respondent nos. 8 to 10 had raised certain constructions over a panchayat road which had allegedly blocked the ingress and egress of the petitioner. The representation filed by the petitioner does not indicate such facts.

On the contrary, the panchayat authorities were requested by the petitioner to ensure that the shop of the respondent nos. 8 to 10 may not be repaired and no pillar should be constructed in front of the petitioner's premises. It is submitted that such construction of the pillar, will block the petitioner's pathway.

The correctness of the petitioner's allegations cannot be ascertained from the writ petition. It appears that there is a tin-shed tailoring shop for the last 25 to 30 years and there are long standing

disputes between the petitioner and the respondent nos. 8 to 10. Such tailoring shop has been standing in front of the house of the petitioner since long. Thus, the remedy of the petitioner would be to file a civil suit if there is any encroachment on the petitioner's land.

However, the petitioner is at liberty to approach the concerned panchayat authorities by filing an appropriate representation. If the petitioner can furnish details that the alleged repairing work of the shop room or the construction of the pillar had extended to the panchayat road, the said issue shall be decided by the panchayat authorities.

If such approach is made, the same shall be considered and disposed of in accordance with law, upon giving a hearing to all concerned.

The other issues which have been raised in the writ petition, shall be decided in a civil suit.

The report filed by the State respondents is kept on record.

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.)