

16.03.2022
SL No. 69
Court No. 24
(P.M)

WPA 4363 of 2022

**Sri Dulal Chandra Manna
Vs
The State of West Bengal & Ors.**

Mr. Syed Chandan Hossain,
Mr. Arnab Roy
... for the petitioner

Mr. Santanu Kumar Mitra, G.P.
Mr. Mirza Kamruddin
... for the State.

None appears on behalf of the school authority despite service.

Affidavit of service filed in Court today is taken on record.

The petitioner is aggrieved by the action on the part of Haripur Adarsha Prathamik Bidyalay in encroaching upon his private land and not giving access of ingress and egress to his own private land.

The petitioner made several representations before the authorities, none of which has been considered.

The petitioner has approached the Court of the learned Sub-Divisional Magistrate at Tamluk by filing Miscellaneous Petition under Section 144(2) Cr.P.C. The petitioner also approached the police for necessary help.

It appears from the documents annexed to the writ petition that in an earlier petition filed by the

petitioner being W.P. No. 20065 (W) of 2017 over the same issue an order was passed on 3rd August, 2017 directing the District Magistrate, Purba Medinipur to take a decision in accordance with law.

By an order dated 8th November, 2017, the District Magistrate, Purba Medinipur observed that the school authority showed a copy of the sale deed executed in the year 1973 and submitted that the said plot of land had been given to the school as per the decision taken by the village committee in order to ease out the hardship of the petitioner. The District Magistrate was of the opinion that a passage through plot No. 704 may be allowed to the petitioner by the school authority without jeopardizing the safety and security of the school premises.

The District Magistrate ordered that the school authority shall arrange for keeping the provision of small gate(s) between boundary wall erected by the school authority to allow ingress and egress of the petitioner through the school compound.

The B.D.O. Nandakumar was directed to mediate and amicably settle the matter ensuring safety and security of the school.

The petitioner submits that the school is not permitting ingress and egress to the petitioner over his own land.

The petitioner again approached this Court for relief.

In WPA 6227 of 2020 filed by the petitioner, this Court passed order on 5th October, 2020 directing the school authority to give passage to the petitioner for his access to his residence and for his convenience of collecting drinking water. Such decision was to be taken by the school within a specific time and if the school failed to make such provision the Court directed the Chairman, Purba Medinipur District Primary School Council to dissolve the Managing Committee and to take step for resolution of the dispute.

In a further writ petition filed by the petitioner in WPA 18534 of 2021 this Court passed order on 21.02.2022 holding that the Court cannot direct the school authorities to grant a passage as the said issue cannot be decided in the writ petition. The petitioner may or may not take the water connection as per the decision of the panchayat authority.

From the submissions made on behalf of the petitioner as well as documents annexed to the writ petition it appears that there is a dispute with regard to the ownership of the land in question.

Civil dispute claiming ownership, access over land, right of pathway cannot and ought not to be decided by the writ Court. Nor will it be proper to

direct the district administration to enter into and try to resolve the civil disputes between the school and the petitioner. Earlier order directing resolution of dispute amicably, did not yield any result.

It will be open for the petitioner to approach the appropriate forum for redressal of his grievances in accordance with law, if so advised.

The writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)