

S/L 86
29.09.2022
Court. No. 19
GB

W.P.A. 5135 of 2022

Hriday Kulu & Anr.
VS
The State of West Bengal & Ors.

Mr. Gautam Lahiri.

...for the Petitioners.

Ms. Sikta Roy.

...for the Respondent Nos.7 to 9.

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

The writ petition is disposed of by directing the Block Development Officer, Mogra Development Block to treat the writ petition as a representation and dispose of the same in accordance with law.

The allegation of the petitioners that obstruction has been made by the respondent nos.7 to 9 on a panchayat road, cannot be determined by the writ Court. Such allegation can only be decided upon a demarcation of the land of the respondent nos.7 to 9 and by carrying out measurements with specific reference to the mouza map and other land records and the title deeds of the respondent nos. 7 to 9.

While deciding the issue, assistance from the office of the concerned Block Land and Land Reforms Officer shall be taken. If necessary, an 'Amin' shall be deployed for the purpose of measurement and demarcation. Such measurement and demarcation shall be made in presence of the parties. A report of such demarcation along with a sketch map shall be prepared and supplied to the parties. On the

basis of what transpires at the inspection, necessary steps shall be taken. Only if the obstruction is found on a public road or on a panchayat road, steps shall be taken in accordance with law.

If the allegation of the petitioners is found to be incorrect, such reason shall also be disclosed in a reasoned order and the same shall be communicated to all concerned. The private disputes between the parties shall not be decided.

The entire exercise shall be completed within a period of three months from date of communication of this order.

This Court has not gone into the merits of the claims and counter-claims of the parties.

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.)