

Sl. No. 18
10.06.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 9164 of 2022

Balaram Maiti
Versus
The State of West Bengal & Ors.

Mr. Pompey Bose
Mr. Anjan Banerjee
... for the petitioner
Mr. Soumitra Mukherjee
Mr. Suman De
... for the State
Mrs. Sumouli Sarkar
... for the respondent nos.5 & 6
Mr. Ratul Biswas
Mr. Kanshik Chowdhury
... for the respondent nos.7, 8 & 9

Pursuant to the order passed by the Court the Officer-in-Charge, Shyampur Police Station, Howrah, has filed a report before this Court wherefrom it appears that some local villagers use the land in question for ingress and egress to their house.

The path in question was filled with bush, herbs and shrubs. The villagers cleared the path and have also applied Moram on some portions of the said village path in front of the house of the petitioner.

The report clearly mentions that the Panchayet has not acquired the land and the Pradhan of the Shtampur-I Gram Panchayat has given a written

declaration that no work was done from the end of the Gram Panchayet on the path of the petitioner.

Learned advocate representing the Panchayet submits that the Panchayet is not doing any work of repairing or putting Moram on the said village path.

Learned advocate for the private respondents submits that they are using the said path for ingress and egress for years together.

Learned advocate appearing for the petitioner submits that a Civil Suit is pending between the petitioner and his neighbour being T.S. No.311 of 2017 (Balaram Maity v. Narayan Das & Ors.) and in the said Suit an order was passed by the learned Civil Judge, Junior Division, Second Court at Uluberia and the defendants have been restrained from changing the nature and character of the schedule passage by laying bricks thereon.

As the Panchayet authority has denied involvement in making any construction or taking any steps in respect of the path in question and the order of the Civil Court has restrained the defendants therein from changing the nature and character of the village path, accordingly, the present writ petition is disposed of by granting liberty to the petitioner to approach the appropriate forum for redressal of his grievance in the event there is any violation in the direction passed by the learned Civil Judge.

Be it recorded that the Panchayat has categorically mentioned that they have not acquired the path in front of the private land of the petitioners pertaining to dag No. 965. The petitioner is the owner of the said plot of land.

No further order is required to be passed in the instant writ petition.

Writ petition stands disposed of.

The report filed by the Officer-in-Charge, Shyampur Police Station, Howrah, before this Court dated 9th June, 2022 be taken on record.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)