

08.09.2022
Sl. No.15(SL)
srm

W.P.A. No. 13661 of 2021
Shampa Das (Sen) & Anr.
Vs.
The State of West Bengal & ors.

Mr. Jagabandhu Roy,
Ms. Mekhla Sinha,
Ms. Purnima Ghosh

....for the Petitioners.

Mr. Shayak Chakraborty

...for the State-respondents.

Mr. Suman Basu,
Ms. Debanwita Prakanik

...for the Respondent No.6.

Affidavit-of-service is taken on record.

The petitioners allege that the Pradhan of Ashutosh Gram Panchayat, District-Hooghly, has been obstructing the ingress and egress of the petitioners to and from their dwelling house situated at Plot No.495 of mouza Khamarchandi, District-Hooghly.

It is contended that with the aid of the Block Medical Officer of Health, Haripal, some trees are being planted on Plot No.526, The plot has been shown as a pathway. The petitioners state that a part of Plot No.526 had been donated to the Block Medical Officer of Health, Haripal by the predecessor-in-interest of the petitioners,

but the said respondents have been using up the entire plot without leaving any space for their ingress and egress. The petitioners submit that the petitioners do not have any other motorable road, apart from the pathway on plot No. 526.

Learned Advocate for the State-respondents has submitted a report prepared by the Officer-in-Charge, Haripal Police Station. The report contradicts the allegation of the petitioners. According to the report, there is a rivalry between the petitioners and the members of the Hooghly Zilla Parishad. That the allegation of obstruction of the ingress and egress of the petitioners, has been denied by the police authorities. According to the police, during 'Amphan' a number of trees had been uprooted. The branches of such uprooted trees obstructed the way. Thereafter, a tender had been called by the appropriate authority for removal of those uprooted trees. According to the police, when the successful contractor started executing the work, dispute arose and a complaint was filed by the petitioners alleging physical and mental abuse, damage to property and hurling of bombs. On the basis of such complaint, Haripal Police Station Case No.103 of 2021 dated May 5, 2021 has been started. The investigation is in progress.

As there are allegations against the Pradhan of Ashutosh Gram Panchayat and the Block Medical Officer of Health, Haripal, of obstructing the petitioners' access to their dwelling house, justice would be sub-served if the District Magistrate, Hooghly is directed to enquire into the matter and take an appropriate decision, in case the allegations of the petitioners are found to be correct. While doing so, the concerned panchayat authorities, the Block Development Officer, Haripal Development Block, and the concerned Block Land and Land Reforms Officer shall be heard. An inspection shall be made in the presence of the petitioners and all the abovenamed authorities, so that the part of Plot No.526, which was donated by the predecessor-in-interest of the petitioner to the Block Medical Officer of Health, can be demarcated. If it is found that the allegation of the petitioners regarding obstruction of their access to the house is correct, necessary remedial steps shall be taken to demarcate the pathway. If the allegations are found to be incorrect, a reasoned order will be passed and communicated to all.

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

A copy of the writ petition along with a server copy of this order be served upon the District Magistrate, Hooghly.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)