

08.09.2022
Sl. No.18
srm

W.P.A. No. 13783 of 2021

M/s. Debnath Marketing Private Limited

Vs.

The State of West Bengal & ors.

Mr. Golam Mohammad

....for the Petitioner.

Mr. Naba Kumar Das,

Mr. Md. Zakir Hossain

.....for the State-respondents.

None appears on behalf of the respondent No.4.

As the Court is not inclined to pass mandatory directions, as prayed for in the writ petition, but is relegating the entire dispute for adjudication by the competent authority under law, the writ petition is taken up in their absence.

The petitioner prays for a mandamus upon the respondents especially the Pradhan of Joargari Gram Panchayat, Howrah and the Block Development Officer, Uluberia Block-II for grant of long term lease in respect of a village road, which had not been used as a pathway since long. Such pathway, is on Plot No.368 under Khatian No.154/1 of mouza Madhubati.

Admittedly, the said land was recorded in the name of Barh Bangalpur Gram Panchayat, District-Howrah and

presently recorded in the name of Joargari Gram Panchayat, District-Howrah.

This writ petition is not entertained as the petitioner does not have any legal right to claim execution of a deed of lease between the panchayat authorities and the petitioner with respect to the said plot/pathway. The fact that the plot has been demarcated as village road/pathway is not in dispute. The petitioner has not been able to show how its legal rights have been denied by the panchayat authorities.

Under such circumstances, the writ petition is not entertained. It is solely within the discretion and jurisdiction of the concerned authority to decide how to use the village road.

The writ petition is, therefore, dismissed.

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.)