

22.08.2022

WPA (P) 372 of 2022

**Smt. Tapasi Bhattacharyya
Vs.
The State of West Bengal & Ors.**

Mr. Arunangshu Chakraborty
Ms. Zeba Rashid
Ms. Geniya Mukherjee
Mr. Arijit Bera

... for the petitioner

Ms. M. Katra
Mr. Farhan Ghaffar
Ms. S. Yasmin

... for the respondent no.9

Mr. Narneet Bhotika
Ms. Sreeparna Das
Ms. Sangita Sarkar

... for the respondent no.10

The affidavit of service filed by the petitioner is taken on record.

The petitioner has filed this public interest petition raising the grievance that the connecting road from Brahmandanga to Gokulpur under Gokulpur Gram Panchayat has been obstructed by the private respondents by constructing a gate thereupon as a result of which the movement of the villagers is obstructed.

Learned counsel for the petitioner has submitted that a decision in the presence of Block Development Officer on 28th April, 2022 was taken to open the gate but it has not been implemented. As against this the submission of learned counsel for the private respondents is that the gate has been constructed on the private land of the respondent no.9.

At this stage the limited submission of learned counsel for the petitioner is that the petitioner has submitted the application dated 18.06.2022 before the respondent no.2, District Magistrate, Hooghly invoking provisions of Section 133 of the Cr.P.C. but no action has been taken by the respondent no.2 on that application till now.

The factual issue of illegal obstruction or title etc. cannot be gone in this public interest petition. An application under Section 133 of the Cr.P.C. has already made before the District Magistrate. We are of the opinion that the petitioner's grievance raised therein can be looked into by the competent authority provided under Section 133 Cr.P.C. after giving due opportunity of hearing to all the concerned parties.

Hence, we dispose of the present petition by directing the respondent no.2 to duly consider the petitioner's application dated 18.06.2022 and pass an appropriate order in accordance with law after giving an opportunity of hearing to all the concerned parties as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)