

45 12.12.2022

gd/ssd

WPA(P)/412/2022
PURNIMA SASMAL & ORS.
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Sandip Das
..for the Petitioners.

Mr. Lalit Mohan Mahata,
Mr. Rudranil De
..for the State.

Mr. Dilip Kumar Shyamal,
Mr. Gourab Ghosh,
Mr. Koushik Banerjee
..for the Respondent No.8.

In this public interest petition the petitioners have raised an issue that the private respondent no.8 is constructing a house by encroaching upon the pathway which is used since long by the villagers.

The record reflects that on the petitioners' representation the Prodhan of the Panchayat had referred the matter to the Block Development Officer, Namkhana vide communication dated 21.06.2022 and the matter is pending there.

Learned counsel for the private respondent has disputed that the pathway was existing in the Plot No.36, but this issue can also be looked into the by the concerned BDO.

Learned counsel for the State has submitted that there is no objection if the BDO proceeds with the

matter and conducts an enquiry.

Hence, we dispose of the present petition directing Block Development Officer, Namkhana to take appropriate action in accordance with law on the communication dated 21.06.2022. He is directed to give an opportunity of hearing to all the concerned parties and also examine the original record and carry out the spot inspection, if required and if he finds that any portion of the pathway has been illegally encroached upon by any of the parties, then he will take expeditious action in accordance with law.

Let this exercise be completed within a period of three months from the date of receipt of a copy of this order.

The petition is accordingly disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)

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