

2.3.2022
Court No. 19
Item no.24
sn

WPA 20282 of 2021

Arif Gharami

Vs.

The State of West Bengal & Ors.

Md. Yunush Mondalfor the petitioner

Mr. A.K. Guha

Mr. N. Ghosh Dastidar ..for the State

Despite service, none appears on behalf of the Gram Panchayat. Affidavit of service is taken on record.

The petitioner wants to construct a concrete pathway over and above a water body used for drainage in the locality situated in and around Chata Gram Panchayat, Village and Post Office Kalikapur, District South 24 Parganas.

The report filed by the police authorities is taken on record.

It appears that on enquiry, the police authorities came to a conclusion that the construction of the concrete slab would amount to encroachment of a canal adjacent to government land. The local people were also aggrieved by the attempts of the petitioner to make such construction and had informed the police. The police authorities initiated proceedings on the basis of the General

Diary dated October 15, 2021 and a prosecution under Section 107 of the Code of Criminal Procedure has been filed.

The writ petitioner cannot pray for a Mandamus directing the panchayat authorities to allow the petitioner to make such construction over and above the canal adjoining the government land.

The purpose of such construction is to provide a passage to the residence of the petitioner.

The writ petition is disposed of.

There will be however no order as to costs.

Parties are to act on the server copy of this order and/or learned advocate's communication.

(Shampa Sarkar, J.)