

08.09.2022
Court No. 19
Item no.04
CP

W.P.A. No. 20034 of 2022

Debola Das

Vs.

The State of West Bengal & Ors.

Mr. Gobinda Chandra Baidya

...for the petitioner.

Mr. Debjit Mukherjee

Ms. Susmita Chatterjee

...for the State.

Mr. Lakshminath Bhattacharya

....for the respondent no. 7.

Mr. Bhattacharya, learned advocate for the respondent no. 7, denies the allegation of encroachment into the common passage by the said respondent and submits that encroachment, if any, had been done by some authorities, while constructing a road. It is urged that the respondent no. 7 is not liable for such construction.

As this court had already directed the panchayat authorities to decide the entire issue and all the allegations made by either of the parties in the order dated September 5, 2022, passed in WPA No. 12768 of 2022, all these points shall be decided by the concerned authority and the parties shall be at liberty to raise the same.

In view of the order passed in WPA No. 12768 of 2022, nothing remains to be decided in the writ petition, save and except that while complying with the order dated September 5, 2022, passed by this court, the allegation of the writ petitioner who was the respondent no. 13 in WPA No. 12768 of 2022, shall also be considered and dealt with by making a composite inspection with regard to the allegations of both the parties.

All points raised by either party, shall be decided.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

The petitioner is directed to serve a copy of the writ petition along with a server copy of this order upon the concerned gram panchayat for necessary compliance.

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

(Shampa Sarkar, J.)