

13.12.2022
Sl. No.12(ML)
srm

W.P.A. No. 21162 of 2022
Nazrul Mullick
Versus
The State of West Bengal & Ors.

Mr. S.K. Humayan Reza
....for the Petitioner.

Mr. Ratindra Narayan Dutta,
Mr. Suprabhata Bhakta
...for the State-respondents.

Mr. Rafikul Islam Sardar
...for the Respondent Nos.5 &6.

Ms. Monjuli Chowdhury,
Ms. Mekhla Sinha
...for the Respondent No.2/
Howrah Zilla Parishad.

Affidavit-of-service is taken on record.

The petitioner is aggrieved by the disturbance created in respect of the petitioner's user of a 5 ft. wide common passage. It is alleged that the respondent Nos.5 and 6 have tried to obstruct the free ingress and egress of the petitioner through the said passage. The petitioner prays for a direction upon the panchayat authorities to remove such obstructions.

The learned Advocate for the respondent Nos.5 and 6 submits that a civil suit is pending with regard to the common passage. The schedule of the plaint indicates that the suit is with regard to the 5 ft. wide common passage

situated in the southern side of Dag Nos.1618 and 1619. The passage allegedly leads to the gram panchayat road. It also appears that an order has been passed by the learned Civil Judge, 4th Court (Junior Division) at Howrah in Title Suit No.1785 of 2015, directing the parties to maintain *status quo* with regard to the nature, character and possession of the suit property.

Under such circumstances, this Court is of the view that the writ petition is not maintainable in its present form. If the petitioner is aggrieved by any violation of the order of *status quo*, the remedy of the petitioner would be to approach the learned civil court. The petitioner may also approach the learned civil court for other orders with regard to the implementation of the order of *status quo*.

The panchayat authorities do not have a role to play in respect of an alleged private dispute with regard to the user of a common passage.

This Court has not gone into the merits of the allegations.

The writ petition is, thus, disposed of.

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.)