

S/L 28
21.12.2022
Court. No. 19
GB

W.P.A. 28136 of 2022

Arnab Banerjee
VS
The State of West Bengal & Ors.

*Mr. Ayan Banerjee,
Mr. Suman Banerjee,
Mr. Dhiman Banerjee*

...for the Petitioner.

*Mr. Rama Prasad Sarkar,
Ms. Anita Deb Jana*

...for the State.

Mr. Samrat Choudhury

...for the Respondent No.4.

Mr. Dhananjay Banerjee

...for the Respondent Nos.5, 7, 8 & 9.

Affidavit-of-service filed in Court today, be kept with the record.

A dispute has cropped up because of an over zealous gram panchayat.

The gram panchayat has the authority under Section 25 of the West Bengal Panchayat Act, 1973 to manage and control its roads and also remove illegal encroachment. For that no resolution was required to be adopted.

The problem arose when the petitioner rented out his house to the State Bank of India as also the ICICI Bank. The customers and the employees of the banks, often parked their cars and vehicles on the road which caused problems for the local people.

It appears that very little space was kept free for vehicular passage. Thus, the local people filed a mass

petition before the panchayat authorities. The panchayat authorities tried to resolve the dispute amicably.

On the basis of the resolution adopted at the meeting, the club placed a fencing over the drain and the road, which had created a problem in the ingress and egress to and from the banks. Hence, the petitioner being the owner of the property in question, has approached this Court for necessary orders.

The panchayat authorities are always free to take necessary steps to clear out the roads which are under their control and management. For that, no permission either from the petitioner or from the banks would be necessary.

The customers and employees of the banks are bound to observe the traffic rules and not park their cars or other vehicles on the road thereby causing disturbance to the local inhabitants. Such random parking would be a public nuisance.

The road should be kept free from all obstructions and 'No Parking' signboards must be placed in appropriate places.

As the petitioner submits that a separate land has been demarcated for parking the cars of the customers, it is made clear that the petitioner shall instruct the security guards of the banks to indicate such parking area to the customers. If any vehicle is found parked on the said road, the panchayat authorities with the help of the police shall be entitled to remove such vehicles and take steps in accordance with law.

It is made clear that the business of the banks shall not be disturbed in any way and the employees and the customers should have free access to the banks. There shall be no barricades in front of the banks.

Accordingly, the writ petition is disposed of .

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)