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jdt.

23.06.2023
jb.

W.P.A. 1296 of 2023
(Sukhen Bag & Anr. vs. State of West Bengal & Ors.)

Mr. Debdutta Basu

.... For the Petitioners

Mr. Nimai Ch. Konar

.... For the Respondent No. 6

Mr. Samrat Chowdhury

Mr. Sandip Das

.... For the Respondent No. 7

Affidavit of service filed on behalf of the petitioners is taken on record.

None appears for the State respondents despite service.

The petitioners allege that the private respondent is obstructing the only egress and ingress of the petitioners by constructing drain on the public road adjoining their plot.

Per contra, learned counsel for the respondents submits that the petitioners claim to have purchased land in excess of what their vendor owned and despite the land being sali in nature, the petitioners raised construction therein without applying for conversion of the land. Also, the petitioners have an alternative path for egress and ingress which is also used by local villagers and in the garb of the writ petition the writ

petitioners are trying to use the vacant land owned by the school and Zilla Parishad.

Upon consideration of the submission made on behalf of the parties this Court is inclined to hold that since the issue involves disputes of fact which need to be adjudicated upon adducing evidence, the said disputes cannot be adjudicated by this Court in exercising authority under Article 226 of the Constitution.

In view of the above, the writ petition is dismissed as not maintainable.

However, the petitioners are at liberty to approach the appropriate Court for redressal of their grievance.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)