

20.03.2023
Court No.13
Item No.10
AP

WPA 3455 of 2023

Balaram Gharami
Vs.
The State of West Bengal and Ors.

Mr. Lakshminath Bhattacharya

... For the petitioner.

Mr. Sirsanya Bandopadhyay

Mr. Arka Kumar Nag

... For the State.

Mr. Bapin Baidya

... For the Private Respondent Nos.11 to 15.

By an order dated 30th November, 2021 in WPA 16982 of 2021 this Court permitted the petitioner to file a civil suit with regard to his rights over a common passage.

The private respondents were claiming they were using the common passage for decades to access the public roads.

The petitioner filed civil suit being TS No.337 of 2021 before the learned Civil Judge, Diamond Harbour, South 24-Parganas. The Civil Court ordered injunction, which, however, expired. The petitioner is taking steps to revive the same in the meantime.

The writ petitioner approached this Court again in WPA 73 of 2023 which was disposed of by an order dated 11th January, 2023. Certain observations have been made in the said order. There is some dispute as to whether the concrete road constructed on the pathway was by the Panchayat or the private respondents. The parties continue to be at loggerheads in respect of the said pathway.

Since a civil suit is pending the rights of the parties in respect of the pathway shall be decided in such suit.

With the aforesaid directions, the writ petition shall stand disposed of.

There shall be no order as to costs.

The report dated 22nd February, 2023 issued by the Officer-in-Charge, Mathurapur Police Station is taken on record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)