

Item No.12  
17.04.2023  
Court. No. 19  
GB

WPA 6307 of 2023

Kinkar Senapati  
Vs  
The State of West Bengal & Ors.

*Mr. Mridul Biswas*

*...for the Petitioner.*

*Mr. Bibek Jyoti Basu,  
Mr. Utam Kr. De,  
Ms. Ankita Mukherjee*

*...for the State.*

*Mr. Sambhunath De*

*...for the Respondent Nos.8 to 10.*

The petitioner is granted liberty to correct the cause title with regard to the addresses of the respondent nos.8, 9 and 10.

Mr. Basu, learned advocate appearing on behalf of the State respondents has filed a report prepared by the Pradhan, Pratappur-1 Gram Panchayat. According to the said report, the panchayat authorities had constructed a cemented road for user of all the villagers. However, the report indicates that Shital Manna and Dipak Manna who are also residents of the village, had erected a bamboo fencing on a part of a 'baram' path which was later made into a cemented 'baram' path. Such road is situated in the western side of the house of the respondent no.9.

The panchayat authorities have not stated anything about any encroachment by the respondent nos.8, 9 and 10.

The petitioner is at liberty to approach the gram panchayat for removal of any bamboo fencing from any road in terms of Section 25(2) of the West Bengal Panchayat Act,

1973. If such approach is made, the panchayat authorities shall act and proceed strictly in accordance with law, upon giving an opportunity of hearing to the petitioner, Shital Manna, Dipak Manna and all the persons in the locality for whose benefit such cemented road had been made.

The allegation against the respondent nos.8, 9 and 10 are not required to be gone into as a civil suit is pending and the petitioner is at liberty to take all steps in accordance with law, in the civil suit, by raising those issues.

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.)**