

19.05.2023.
Court No.13
Item No. 27
pk

W.P.A. No. 7170 of 2022
With
CAN 1 of 2023
Samarendra Nath Pradhan
Versus
State of West Bengal & Ors.

Mr. Bhaskar Chandra Manna
...For the petitioner.

Mr. Anup Dasgupta
For the private respondents.

Ms. Chaitali Bhattacharya
... For the State.

In Re: CAN 1 of 2023 (Restoration)

1. Sufficient grounds are available to explain the absence of the petitioner and/or his Counsel on 03.04.2023.
2. The said order is recalled and the writ petition is restored to its original file and number.
3. Accordingly, CAN 1 of 2023 is disposed of.
4. There will be, however, no order as to costs.

In Re: W.P.A No. 7170 of 2022

1. Leave is granted to the petitioner to correct the cause title to indicate Chandipur Police Station in stead of Contai Police Station.
2. The writ petitioner complains that the private respondents are obstructing him from using pathway.

3. The private respondents are represented. It is submitted by counsel for the private respondents that the petitioner and the private respondents have adjacent plot and the petitioner has been using a separate pathway to access the public road for more than 50 years.
4. The petitioner now wishes to effect a new construction and carve out access to the public road through the private respondents' lands.
5. The allegations of the private respondents are wholly denied by the petitioner. It is submitted that the pathway is in fact in his land.
6. This Court is of the view that the dispute between the petitioner and the private respondents regarding the pathway is civil in nature. Appropriate civil proceedings may be taken out by the parties.
7. Chandipur Police Station shall ensure that there is no breach of peace in the area.
8. The writ petition is disposed of.
9. There will be no order as to costs.

10. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)