

08.05.2023
Court No.13
Item No.32
pk

WPA 7805 of 2023

**Moyna Manna
Vs.
The State of West Bengal and Ors.**

Mrs. Pampa Dey (Dhabal)

... For the Petitioner.

Mr. Amal Kumar Sen
Mr. Jaladhi Das

... For the State.

Mr. Arabinda Manna

... For the Respondent Nos.8 & 9.

1. The petitioner complains of alleged inaction on the part of the Goghat Police Station.

2. It appears that on 28.01.2022 Kamarpukur Gram Panchayat has directed to one Kaushik Dey to remove fencing on a pathway under the Panchayat area. The pathway, according to the petitioner, was being used as a public pathway for a long period of time.

3. Counsel for the private respondents opposes the submissions of the petitioner. He submits that the land-in-question is not a public pathway.

4. This Court is of the view that it is the Panchayat and BDO that can direct or decide as to whether any property is a public pathway in the village. The police cannot suo motu act to remove any fencing on any property.

5. It is only upon receipt of appropriate orders of the BDO and the Gram Panchayat in accordance with law that the police shall take steps.
6. Goghat Police Station shall ensure that there is absolutely no breach of peace in the area.
7. It is expected that Gram Panchayat and BDO shall give due notice to all parties before passing any orders.
8. With the aforesaid observations, the writ petition shall stand disposed of.
9. There will be no order as to costs.
10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)