

25.01.2023
Court No. 19
Item 482
CP

W.P.A. No. 8022 of 2022

Sk. Aktar Ali

Vs.

The State of West Bengal & Ors.

Sk. Moinuddin

....for the petitioner.

Mr. Sankar Prasad Dalapati

Mr. Safik Dewon

....for the respondent nos. 7 & 8.

Mr. Satyajit Mahata

Mr. Sourav Mondal

...for the respondent no.9.

The court does not find any illegality in the notice issued by the pradhan, Antila Gram Panchayat. A complain was received from a member of the gram panchayat, that the petitioner had constructed a bamboo fence over a public road. Such fencing had caused obstruction to the ingress and egress of vehicles due to the narrowing down of the public street. The petitioner was called for a hearing by the impugned notice.

The petitioner was asked to appear before the authority with relevant documents. The duty to maintain streets and to take steps for removal of encroachment or obstructions from public streets, has been provided under Section 25(2) of the West Bengal Panchayat Act, 1973. If the authority had

received any objection, the authority was duty bound to enquire into the matter and take a decision.

At this stage, no decision has been taken and, as such, the petitioner can appear before the authority and make appropriate submission in response to the notice. The issues shall be decided on the basis of facts and law. All opportunity to the petitioner to place his case and defend his fence shall be provided.

The petitioner will be at liberty to pray for proper measurement of the area of his purchased land so that a demarcation can be made in order to ascertain whether the petitioner had actually raised the fence over a public street maintained by the panchayat authorities.

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.)