

01.02.2023
Court No. 19
Item 564
CP

W.P.A. No. 9940 of 2022

Sufal Kumar Paul

Vs.

The State of West Bengal & Ors.

Mr. Shibaji Kumar Das

Ms. Rupsa Sreemani

...for the petitioner.

Mr. Malay Kr. Singh

Mr. Ratul Das

...for the State.

The writ petition is disposed of with a direction upon the Block Development Officer, Pandua Development Block to make an enquiry into the allegations made by the petitioner.

The petitioner alleges that the Pradhan, Khirkundi Niyala Namaj Gram Panchayat is raising a concrete wall in front of the land of the petitioner situated at Dag No. 474 corresponding to Khatian No. 3398 of Mouza – Namajgram. It appears that the District Magistrate, Hooghly had already directed the Block Development Officer to enquire into the matter.

The petitioner's specific allegation is that the wall is being constructed in such a way that the same is obstructing the petitioner's ingress and egress and the petitioner has to use the neighbour's land to enter into his own land.

The panchayat authorities are entitled under the law to raise constructions for development of the locality and also for the benefit of the people. However, such construction cannot obstruct the petitioner from enjoying his own property. The court is not in a position to decide the issue and as such, the Block Development Officer is directed to decide the issue in accordance with law.

An inspection of the area in question shall be held in the presence of the petitioner and the concerned pradhan. A report shall be prepared and handed over to the parties.

The parties will be allowed to file their responses to such report. Thereafter a hearing shall be given and the matter shall be disposed of.

A reasoned order shall be passed and communicated to all.

The only issue that the Block Development Officer must decide is whether the petitioner's ingress and egress has been hampered in any way.

It goes without saying that the petitioner cannot claim full frontage to his land but only a right of passage to his land.

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.)