

16.05.2023
Sl. No.12(DL)
srm

W.P.A. No. 11203 of 2023

Rejaul Haque Mondal

Versus

The State of West Bengal & Ors.

Mr. Soumen Barman

....for the Petitioner.

Mr. Imdadul Biswas

...for the Respondent Nos.9 & 10.

Despite service, none appears on behalf of the State-respondents as also on behalf of the panchayat authorities.

Affidavit-of-service is taken on record.

The petitioner alleges that the respondent Nos.9 and 10 started raising a construction by encroaching a village road which is maintained by the gram panchayat.

The learned Advocate for the respondent Nos.9 and 10 denies the allegation and submits that a tin shed structure had been in existence for more than 25 years and the panchayat authorities had never objected to the same. It is further submitted that the existence of the house did not obstruct the petitioner's use of the village road.

The law provides that the panchayat authorities shall be required to maintain the public streets and roads and they are also empowered to remove any encroachment from any public street.

The Patikabari Gram panchayat, Murshidabad, shall dispose of the representation of the petitioner, which is annexure P/2 at page 16 of the writ petition, in accordance with law. Such decision will be taken upon hearing all the parties. A reasoned order shall be passed and communicated. The jurisdiction of the panchayat shall be exercised in terms of Section 25(2) of the West Bengal Panchayat Act, 1973, if the panchayat is of the opinion that the construction of the respondent Nos.9 and 10 actually obstructed the village road.

The entire exercise shall be completed within a period of two months from the date of communication.

A copy of the writ petition along with a server copy of this order be served upon Secretary, Patikabari Gram Panchayat, Murshidabad.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)