

17.05.2023
Sl. No.18(DL)
srm

W.P.A. No. 11451 of 2023

Bhaktipada Das & Ors.

Versus

The State of West Bengal & Ors.

Mr. Gopal Chandra Ghosh,
Mr. Rajkrishna Mondal

....for the Petitioners.

Mr. Prabir Kumar Ray

...for the State-respondents.

Mr. Nandadulal Bandyopadhyay,
Mr. Samit Kumar Maity

...for the Respondent Nos.6 to 11.

The petitioners allege that the respondent Nos.6 to 11 have obstructed the panchayat road. According to the petitioners, the panchayat authorities were also aware of such obstruction on the village road and had asked the higher authorities, to intervene and settle the matter.

Mr. Bandyopadhyay, learned Advocate for the respondent Nos.6 to 11 submits that the construction is on the land exclusively belonging to the said respondents and no obstruction of the panchayat road had ever been caused. The petitioners are in effect, claiming passage through the private land of the respondent Nos.6 to 11,

which could not be allowed either by a writ court or by the panchayat authorities.

The writ petition is disposed of granting liberty to the petitioners to approach the Radhamohanpur-I Gram Panchayat, Paschim Medinipur, with their allegation of construction in a village road. If such representation is made, the same shall be disposed of upon causing an inspection of the alleged panchayat road in the presence of the parties and upon granting hearing to all.

A reasoned order shall be passed and communicated. In case constructions are not found on the village road, such fact shall be indicated in the order. If obstructions on the village road are found, necessary steps shall be taken, in accordance with law. It is made clear the use of private passage through private land cannot be permitted by the panchayat authorities.

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.)