

25.04.2023
Court No. 19
Item 172
CP

W.P.A. No. 16748 of 2022

Pankaj Kumar Bhaumik

Vs.

The State of West Bengal & Ors.

Mr. Rajkumar Sain

....for the petitioner.

Mr. Amal Kr. Sen

....for the State.

Despite service, none appears on behalf of the respondent nos. 6 to 14.

The petitioner alleges that during the pendency of a civil suit and in violation of the order of injunction passed by the learned Civil Judge (Senior Division) 2nd Court at Tamluk in Title Suit No. 123 of 2021, the respondent nos. 7 to 14 excavated a canal in the suit property. A pathway used by the petitioner for ingress and egress, had been damaged.

The petitioner alleges that the panchayat authorities had encouraged the private parties in such illegal activity. Such damage to the road was done during subsistence of an order of injunction.

There is nothing on record to show that the panchayat authorities had ever been involved in such private dispute. In any event, the allegation is primarily that the respondent nos. 7 to 14 had acted

in violation of the order of injunction and allegedly destroyed the suit property.

The remedy of the petitioner is before the learned civil court. It is open to the petitioner to approach the learned civil court for necessary protective and preventive orders, in accordance with law.

It is made clear, that the panchayat authorities shall not get involved in any private dispute amongst the parties.

Accordingly, the writ petition is disposed of, without granting the reliefs prayed for.

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.)