

17.05.2023
Court No. 19
Item 05
CP

W.P.A. No. 18884 of 2022

Radhu Das & ors.

Versus

State of West Bengal & Ors.

Mr. Anindya Sundar Das

Mr. Shaunak Ghosh

...for the Petitioners.

Mr. Sk. Mujibar Rahaman

Mr. Syed Nasirul Hossain

....for the State.

The petitioners allege that the footpath leading to the petitioners' house from the main road had been encroached by the respondent nos. 13 to 22, by construction of some structures.

The Block Development Officer, Binpur-I Development Block has filed an enquiry report. The same is taken on record.

From the said report, it appears that the lands of the petitioners being Plot No. 302, 303 & 314 were adjacent to the road which had been recorded as 'Path'. The 'Path' was vacant and the land between the 'Path' to the petitioners' house was also vacant. No constructions on Plot No. 301 had been noticed, but some natural vegetation, an electric transformer and a narrow canal existed on the plot. Adjacent to the petitioners' land, there was a heap of garbage.

Thus, the court does not find it necessary to probe deeper into the matter.

The village road is clear as per the observations of the Block Development Officer. If there are encroachments on other lands, the petitioners are at liberty to approach the learned civil court. The panchayat authorities do not have any jurisdiction to remove encroachments from private lands.

However, it is made clear that the village road which has been recorded as a 'Path', should be clear and free from all obstructions.

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.

Parties are also directed to act on the basis of the learned advocate's communication.

(Shampa Sarkar, J.)