

M/L 76
04.01.2023
Court. No. 19
GB

W.P.A. 25536 of 2017

Asit Halder & Anr.
VS
The State of West Bengal & Ors.

Mr. Samiran Mondal,
Mr. Abhinaba Dan,
Mr. Nitish Samanta.

...for the Petitioners.

Mr. Chandi Charan De,
Ms. Chandana Ghosh.

...for the State.

Mr. Soumik Ganguly,
Mr. Subhrajyoti Ghosh.

...for the Respondent No.7.

Mr. Malay Bhattacharyya.

...for the Respondent Nos.8 & 9.

This is the third round of litigation filed by an individual who is aggrieved by the beautification and other projects undertaken by the Ghutgaria gram panchayat. The basis for such challenge is the loss of frontage and alleged interruption with the ingress and egress of the petitioners.

Twice before, this Court had directed the Block Development Officer to cause an inspection, grant a hearing and pass a reasoned order in respect of the complaint lodged by the petitioners against the Pradhan, Ghutgaria gram panchayat and the respondent nos.8 and 9. The respondent nos.8 and 9 are the villagers.

According to the petitioners, the said respondents with the encouragement of the Pradhan and further encouragement of the concerned Block Development Officer,

erected a wall. Such wall had hampered the ingress and egress of the petitioners to and from their land. The decision of the Block Development Officer dated August 29, 2017 is the subject matter of challenge in this writ petition.

According to the petitioners, the authorities have created an unholy nexus with the villagers and allowed the villagers to block the petitioners' frontage.

Both the reports have been taken into consideration by this Court. It appears that the alleged plot on which the barbed wire fence had been installed, is recorded in the name of the Ghutgaria Union Board and has been handed over to the Ghutgaria gram panchayat. At the time of inspection, the said land was a field comprising of 211 feet in length and 52 feet in breadth. The same had always been in possession of the Ghutgaria gram panchayat. The area was demarcated by a barbed wire fencing and on a part of the said area, there was a brick wall. The Pradhan had contemplated to develop the said land by making a children's park and a community hall to be managed by self-help groups. The Pradhan had also contemplated to replace the barbed wire fencing by a brick wall.

The petitioners allege that the brick wall was being constructed by the villagers and not by the panchayat authorities and the petitioners have objection to such construction.

On two occasions, this Court had directed the Block Development Officer, Barjora Development Block to cause an inspection and pass a reasoned order.

Both the reasoned orders indicate that the petitioners were not the owners of the aforementioned land and the panchayat authorities had possession and control over the same. The panchayat authorities are entitled to use lands which are recorded in their name and which they possess in any manner either for developmental purpose and for other causes, for the benefit of the villagers. The petitioners cannot oppose such construction. Admittedly the petitioners do not have any right over the said plot No.2479 of Mouza Kadasole.

However, the ingress and egress of the petitioners and other villagers should neither be stopped nor disturbed in any way. It is a matter of record that on one side a 10 feet wide passage and on the other side a 20 feet wide passage has been kept vacant for ingress and egress of the villagers, including the petitioners. The petitioners cannot not claim the entire frontage by obstructing any scheme to be implemented by the panchayat authorities on a land belonging to the panchayat authorities.

Accordingly, the writ petition is disposed of without any orders.

It is made clear that the Pradhan of Ghutgaria gram panchayat shall ensure that the ingress and egress of the villagers should not be disturbed on account of the construction on plot no.2479 of Mouza-Kadasole. If any private parties obstruct the ingress and egress of the petitioners, the petitioners will be at liberty to take appropriate steps in accordance with law.

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.)