

17.05.2023
Court No. 19
Item 01
CP

W.P.A. No. 22249 of 2019

Sushanta Barik

Versus

State of West Bengal & Ors.

Mr. Abhisek Banerjee

...for the Petitioner.

Md. Mansoor Alam

....for the State.

Ms. Mekhla Sinha

....for the respondent no. 6.

Despite service, none appears on behalf of the respondent nos. 8 to 10.

As this court is not inclined to pass any mandatory directions as prayed for, but deems it fit to relegate the matter to the permission granting authority, this writ petition is taken up in their absence.

The petitioner alleges that the respondent nos. 8 to 10 had raised a construction in front of a village road situated at L.R. Plot No. 3850 of Mouza – Panchla, which has caused inconvenience to the villagers.

According to the petitioner, a bamboo fencing has been erected on a part of the said village road which has resulted in obstruction to the ingress and

egress of the petitioner. The petitioner and some other villagers filed a representation before the Pradhan, Panchla Gram Panchayat which was allegedly received by the Pradhan on May 22, 2019. The petitioner alleges that despite having received such complaint, no steps have yet been taken by the gram panchayat.

Without going into the merits of the allegations of the petitioner, the writ petition is disposed of with a direction upon the Panchla Gram Panchayat to dispose of the said representation and to take steps in terms of Section 25(2) of the West Bengal Panchayat Act, 1973, upon holding an inspection in the presence of all the parties including the respondent nos. 8 to 10 and upon granting an opportunity of hearing to them.

A reasoned order shall be passed and communicated to all concerned.

In case any obstruction is found on a village road which was causing inconvenience to the villagers, necessary steps shall be taken. However, if a dispute with regard to right, title, interest and possession arises in respect of user of the said land which the petitioner claims to be a village road, the panchayat authorities shall indicate the same in their order and parties shall be relegated to a civil suit.

The court has not gone into the merits of the claims.

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

Accordingly, the writ petition is disposed of.

The police report is taken on record.

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.)