

g.b.
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03.10.
2023
Ct. No.14

WPA 24774 of 2022

**Kanti Roy Chowdhury
Vs
The State of W. B. & Ors.**

**Mr. Ashim Ghosal
Mr. Supriyo Ghosh
Ms. Susmita Adhikary
.....For the Petitioner
Mr. Sirsanya Bandopadhyay
Mr. Arka Kumar Nag
.....For the State**

Learned counsel appearing on behalf of the petitioner submits as follows. The private respondents have blocked a public pathway and are preventing others from using the same. This had been brought to the notice of the police but no action was taken.

Learned counsel appearing on behalf of the States submits as follows. According to the report of the B. L. & L. R. O. although the land in question was recorded as a road, the land are in possession of the private respondents.

If the petitioner believes that the private respondents are blocking any public road and causing nuisance, he shall be at liberty to file an

appropriate application under Section 133 of the Code of Criminal Procedure. Such application, if filed, shall be considered in accordance with law.

As affidavits were not called for, the allegations made in the writ petition are deemed not to have been admitted.

With these observations, the writ application is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on urgent basis after completion of all necessary formalities.

(Jay Sengupta, J.)