

21.11.2024
Item No.69
Ct. No.35
dc.

W.P.A. 3166 of 2023

**Basudeb Pradhan
versus
The State of West Bengal & Ors.**

Mr. Triptimoy Talukder,
Mr. Diptomoy Talukder,
Mr. Jyotirmoy Talukder ... For the Petitioner.

Mr. Santanu Kumar Mitra ... For the State.

Mr. Sounak Bhattacharya,
Mr. Sounak Mandal ... For the Respondent No. 4.

Affidavit-of-service filed in Court today be kept with the record.

Report submitted by the learned advocate appearing for the State be also kept with the record.

The petitioner is aggrieved by the fact that the drain has been obstructed and whenever the petitioner intends to clean up the drain, he has been resisted by the private respondents.

Mr. Bhattacharya, learned advocate appearing for the respondent no.4 disputes the contentions of the petitioner. Learned advocate draws the attention of the Court to the representation made which was in the year 2022.

State has submitted a report.

Since the dispute is over cleaning of drain and the complaint is of the year 2022, presumably after two years, there is a change of circumstance. If the problem persists, the petitioner would approach the local administration being the Panchayat authority and/or the Executive

Magistrate who will pass necessary directions or take steps for cleaning up the drainage system. If such an order is passed, the petitioner would bring the same to the notice of the concerned police authorities who would render appropriate assistance.

With the aforesaid observations, the writ petition being WPA 3166 of 2023 is disposed of.

There shall be no order as to costs.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)