

14.03.2024
Item No.10
gd/ssd

WPA(P)/111/2024
BIDHAN CHANDRA GHOSH AND ORS.
VS
STATE OF WEST BENGAL AND ORS.

Ms. Arunima Lala,
Mr. Diptomoy Talukder,
Mr. Abhiraj Tarafdar
..for the Petitioners.

Mr. Ayan Ch. Ray,
Mr. Saikat Chatterjee
..for the State.

Mr. Narayan Debnath,
Mr. S. Ghoshal,
Mr. Saswata Chatterjee,
Ms. Tanim Debnath
..for the Respondent No.11.

1. By way of this public interest litigation the petitioners allege that a public pathway has been obstructed by the respondent nos.6 to 11 by putting up a bamboo fence.

2. The learned Government counsel on written instructions given by the 5th respondent submitted that already an FIR has been registered in this regard.

3. The contention put forth by the learned advocate appearing for the 11th respondent is that though the land in question is a public pathway and not a private pathway which is the property owned by the 11th respondent. This disputed question cannot be considered in a writ petition and the appropriate authority to do so who is the 2nd respondent, namely,

the Block Land and Land Reforms Officer, Bharatpur-II, Murshidabad District.

4. Accordingly, the writ petition is disposed of by directing the 2nd respondent to conduct an enquiry into the matter after issuing notice to the petitioners as well as the respondent nos.6 to 11, call for the necessary records from the panchayat concerned and also after going through the records available in the office of the Block Land and Land Reforms Officer, a reasoned order be passed on merits and in accordance with law.

5. This direction be complied with within a period of twelve weeks from the date of receipt of the server copy of this order.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)