

W.P.A. 12583 of 2024
with
CAN 1 of 2024

Sukhendu Das & Ors.
-Vs.-
The State of West Bengal & Ors.

Mr. Manish Kumar Das
...for the petitioners

Mr. Santanu Kumar Mitra
Mr. Amartya Pal
...for the State

Affidavit of Service filed in Court today be kept
with the records.

The grievance of the petitioner is directed
against an order dated 28th July, 2022 whereby the
concerned Block Development Officer has passed a
reasoned order in terms of an earlier order passed in
WPA 12107 of 2022.

Briefly, the grievance of the petitioners was for
removal of unauthorised and illegal construction over
the alleged private land belonging to the petitioners.
Pursuant to notices to all the stake holders, the
concerned BDO had held a hearing and come to a
finding that there was no merit in the contention of
the petitioners.

The impugned order is adequately reasoned.
The impugned order records that the sole ingress and
egress of the private respondents could not be

obstructed in any manner whatsoever. It has been further found in the impugned order that no initiative could be taken for converting the existing concrete road from the end of the Panchayat body or the private respondent. The finding of the concerned BDO that on a perusal of the field enquiry report, it was found that the subject road is the sole ingress and egress of nearly 27 families, who have been using the said road in decades, is also not controverted by the petitioners.

In view of the above, there is no merit in the writ petition. The disputes raised by the petitioners cannot be adjudicated in this summary jurisdiction. In such circumstances, the instant writ petition being WPA 12583 of 2024 stands dismissed. Accordingly, the connected application being CAN 1 of 2024 is disposed of.

However, there shall be no order as to costs.

Since affidavits have not been invited, the allegations made in the writ petition are deemed not to have been admitted.

Liberty is granted to the petitioners to file an appropriate civil suit in accordance with law, if so advised.

Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance of necessary formalities.

(Ravi Krishan Kapur, J.)