

27.09.2024
Court No.09
Item no.14
CP

WPA No. 21302 of 2024

Sri Biswaranjan Das & ors.
Vs.
The State of West Bengal & ors.

Mr. N. G. Sarkar
Mr. Samrat Choudhury
....for the petitioners.

Mr. Anirban Roy, Ld. G.P.
Mr. Sk. Md. Galib, Sr. Govt. Adv.
Ms. Parna Roy Chowdhury
....for the State.

Mr. Udaynarayan Betal
Mr. Manas Das
Mr. Samrat Choudhury
Mr. Mriganka Patra

.....for the respondent nos. 12 to 14.

The writ petition has been filed for a direction upon the District Magistrate and the Sub-Divisional Officer to remove an alleged incroachment over Dag Nos. 663, 668, 669, 673, 678, 674 of Mouza – Chakjiyadighi, Police Station – Nandakumar.

It is submitted that a pathway crosses through the said plots both on the northern and southern side, respectively. The petitioners rely on the record of rights to show that they have a right of easement over Plot Nos. 668. The record of rights have been annexed to the writ petition. The petitioners pray that the authority must be directed to remove the

encroachment and the ongoing construction over the said passage.

Learned advocate for the respondent nos. 12 to 14, allegedly the persons responsible for such encroachment, submits that the land being Plot No.668 belongs to the said respondents and the petitioners do not have a right of user. Learned advocate for the respondent nos. 12 to 14 further submits that the petitioners already have an access to the main road from Plot No. 664.

The petitioners rely on the record of rights and the information given by the concerned department in this regard, to assert their right of user through Plot No. 668. This is a private dispute, which must be adjudicated by a civil court.

Under such circumstances, the writ petition is disposed of by relegating the petitioners to a civil suit. The petitioners may file a suit immediately and pray for necessary ad interim orders.

The writ petition is disposed of accordingly.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)