

March 11, 2024
ARDR (695)

WPA 25786 of 2023

Jitendranath Bera & ors.
Vs.
The State of West Bengal & ors.

Adv. Debasis Sur,
Adv. Anujit Maity,
Adv. Sarama Maity,
Adv. Nikhil Gupta,

...for the petitioners.

Adv. Santanu Kumar Mitra,
Adv. Pritam Chowdhury,
Adv. Somnath Naskar,

...for the State.

Report submitted on behalf of the respondents is taken on record.

Heard learned counsels for the parties.

It is contended on behalf of the petitioners that the respondent authorities have constructed a public toilet adjoining the petitioners' property, thereby obstructing their egress and ingress. The petitioners submitted a representation before the concerned authority in this regard which not being considered, they came up before this Court in a writ petition being WPA 9738 of 2023. By an order passed on 17th July, 2023 this Court directed the concerned authority to consider and dispose of the representation submitted by the petitioners within a stipulated time frame. In compliance with the said order, the Assistant Engineer, PWD, Contai Sub-Division, by an order passed on 27th September, 2023

rejected the representation of the petitioners upon hearing the petitioners in this regard.

The order impugned is based on a demarcation report submitted by the Block Land & Land Reforms Officer, Contai-I which demonstrates that the toilet block has been constructed in a Government land and there is a 21 feet wide space for egress and ingress of the petitioners. Also, there is open Government land 32 feet in length and 60 feet in width between the toilet and front portion of the petitioners' land.

The toilet block has been constructed on Government land and does not block the egress and ingress of the petitioners as alleged. Learned counsel for the petitioners submits that the toilet block remains closed most of the time.

In view of the above, this Court is inclined to hold that the order impugned is a sufficiently reasoned order passed upon granting reasonable opportunity of hearing to the petitioners and there is no illegality or irregularity in the said order which requires intervention of this Court. The toilet block is constructed on Government land and does not appear to be prejudicial to the interest of the petitioners in any manner. The writ petition being devoid of any merit, is liable to be dismissed.

The writ petition is dismissed.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

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

(Suvra Ghosh, J.)