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17.12.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 26183 of 2023

Sekh Azad Mistri
Vs.
The State of West Bengal & Ors.

Mr. Keshab Chandra Das, Adv.
Ms. Aparajita Mondal, Adv.
Mr. Biplab Adak
...for the petitioner

Mr. Tapan Kumar Adhikary, Adv.
Mr. Rabindra Nath Pal, Adv.
...for the State

Mr. S. Basu, Adv.
...for the respondent no. 4

Mr. Gazi Faruque Hossain, Adv.
Ms. Varsha Roy, Adv.
...for the respondent
nos. 8, 10, 11 and 12

The grievance of the petitioner is directed against an alleged obstruction of a road, which belongs to the Panchayat.

It is submitted on behalf of the petitioner that the private respondents have illegally and unlawfully obstructed the Panchayat road which prevents the ingress and egress of the petitioner's land. Moreover, the petitioner had filed a representation dated October 13, 2023, but the same has not been considered till date.

The State respondents are represented and submit that they have no objection in considering the representation of the petitioner.

On behalf of the private respondents it is submitted that the land, over which the petitioner alleges obstruction, is a private land and does not belong to the State.

In view of the above, the respondent authorities have no jurisdiction whatsoever to adjudicate on the rival contentions of both the petitioner and the private respondents. The petitioner has been unable to demonstrate any legally enforceable right warranting even the prayer for consideration of his representation. The dispute is purely civil in nature and can only be adjudicated by Civil Court.

In view of the above, W.P.A. No. 26183 of 2023 stands dismissed.

Liberty is granted to the petitioner to approach a competent Civil Court in accordance with law.

It is made clear that there has been no adjudication on the merits of the case and all questions are left open to be decided by the appropriate forum.

There shall be no order as to costs.

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.)