

18.01.2024

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PG/KS

Ct. No.1

W.P.A.(P) 625 of 2023

Purnima Sasmal & Ors.

Versus

The State of West Bengal & ors.

Mr. Sandip Das.....for the petitioners

Mr. Sirsanya Bandyopadhyay, Ld. Jr. Standing Counsel

Mr. Arka Kr. Nag.....for the State

1. Leave is granted to the learned advocate for the petitioners to correct the cause title of the writ petition.
2. Heard the learned advocate for the petitioners. Notice has been served on the respondents and the affidavit of service has been filed. But none appears for the private respondent.
3. The petitioners have earlier filed a writ petition before this Court alleging that the 8th respondent has encroached into a public road and put up certain constructions. The said writ petition was disposed of with a direction to the Block Land and Land Reforms Officer, Namkhana Block, the 5th respondent to inquire into the matter.
4. The Block Land and Land Reforms Officer, Namkhana Block has passed an order dated 22nd March, 2023 and the operative portion of the order reads as follows:

“This case has been disposed to conclude that in the interest of use of the pathway on the suit land of RS plot no.36, Smt. Bijali Maity is asked to clear the obstruction and/or alleged occupation on the land of village pathway within a period of one month from received this ORDER. However, Smt. Bijali Maity has to make clear the passage of the pathway from her own arrangement within this time period. After expiry of this time period, an appropriate action will be taken for removal of the obstruction/pucca structure to clear the passage of said pathway, and the cost of said removal will be recovered from the Private respondent.

Urgent photo copy may be served for communication to the interested parties.”

5. From the above order, it is seen that the 8th respondent has to clear the passage of the pathway from her own arrangement within the time fixed and if it is not done, it has been ordered that appropriate action be taken for removal of the obstruction/pucca structure to clear the passage of the said pathway and the cost will be recovered from the 8th respondent. The learned advocate for the petitioners would submit that till date, the order has not been implemented by the 8th respondent nor the 8th respondent has challenged the order. If the order of Block Land and Land Reforms Officer, Namkhana Block has not been challenged and if there is no order of stay granted by any authority or Court, then it goes without saying that the 5th respondent shall implement the order and proceed in accordance with the directions already issued.
6. In the event the 5th respondent requires police assistance, he shall consider to take assistance of the concerned Superintendent of Police so as to enable the

5th respondent to implement the order dated 22nd March, 2023. However, if the order has been challenged before any other higher authority or before a Court, then the writ petitioners shall be intimated about the same in writing.

7. The entire exercise shall be completed within three weeks from the date of receipt of server copy of this order.
8. With the above directions/observations, the writ petition stands disposed of.
9. No costs.
10. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)