

05.05.2025

Ct. no.39

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

W.P.A. 96 of 2025

**Shri Asit Kumar Ghosh & ors.
-Vs-
The State of West Bengal & ors.**

Mr. Kushal Chatterjee
Mr. Subhasish Mitra
Mr. Shibjit Mitra
... for the petitioners

Mr. Kamal Kumar Chattopadhyay
Mr. Satyajit Mahata
... for the State

Mr. Uttiya Ray
Mr. Indranil Ghosh
Mr. Anirban Ghosh
... for the private respondent

This writ petition is filed seeking direction upon the respondent authorities to take necessary steps for demolition of the illegal and unauthorized construction made by the private respondent nos. 10 and 11 obstructing the right of ingress and egress of 6 ft. passage to the premises of the petitioner comprised within the Dag No. 1532, Khatian No. 1694, Mouza-Paschim Tajpur, J. L. No.13 and Khatian No. 1695.

The petitioner contends that the land and building of the petitioners is located 100 metres from the main Panchayat road and are connected to the premises via 6 feet wide passage, which is the sole access route of the

petitioners and their family members to reach the main Panchayat road. The private respondents have blocked ingress and egress of the petitioner through 6 feet wide passage main Panchayat road by gathering building materials over the said passage. A civil suit being Title Suit No. 642 of 2024 was filed before the Civil Judge (Junior Division) at Srirampur seeking for restraining the private respondents from blocking the ingress and egress of the petitioners. Further a 4 feet height boundary wall has been constructed by private respondents without any sanction building plan blocking the entire passage. A representation was made to that effect before the Pradhan, Seakhala Gram Panchayat on 16th December, 2024 for redressal of their grievances, however, no steps have been taken. Hence, this writ petition.

Mr. Kushal Chatterjee, learned advocate for the petitioners submits that as per Rule 19 of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004, the party while making a concrete wall construction has to obtain permission from the Gram Panchayat. No such permission for erecting the concrete wall has been obtained by the private respondents. Further, as per Rule 21 of the said Rules, every structure or building shall have an approach road or passage from a public road and the minimum width of such passage or road shall be one and eight-tenth metres. If an existing passage or road over which the public have a right of way, is less than one and eighth-tenth metres wide, the plot-

holders on either side of such passage or road shall keep a front set-back in such manner as to allow a front set-back of nine-tenth metres on either side of the road after leaving in the middle a clear passage of one and eight-tenth metres and a rear set-back of one and eight-tenth metres. However, while making construction, the private respondents have not adhered to the existing rules. He seeks that the representation made by the petitioners dated 16th December, 2024 be relegated to respondent no.8, Pradhan of the local Gram Panchayat to take appropriate steps by causing an enquiry.

Mr. Kamal Kumar Chattopadhyay, learned advocate for the State submits that due to the construction made by the private respondents, the passage in question has been blocked by concrete wall fortified with barbed wires. He also submits in the similar fashion for relegating the matter to the Pradhan of the local Gram Panchayat for causing enquiry in respect of the representation made by the petitioners. He files e-mail copy of the report of the Block Development Officer, Chanditala-1 Development Block, Masat, Hooghly.

Mr. Uttiya Roy, learned advocate for the private respondents submits that the entire construction work has been undertaken by the private respondents on the basis of necessary sanctioned building plan. Rule 19 of 2004 Rules does not apply to the instant case since the purpose of such boundary wall pertains to premises used as residence. Rule 21 of the said 2004 Rules also is not

applicable to the instant case as the dispute raised does not relate to public pathway. He informs that on the self-same issue, a civil suit is pending between the parties. However, the matter in dispute raised by the petitioners may be enquired by the local Gram Panchayat.

Upon hearing learned advocates for the respective parties, respondent no.8, Pradhan, Seakhala Gram Panchayat, Village & Post- Seakhala, District-Hooghly is directed as follows:-

- (i) To cause enquiry in respect of the representation made by the petitioners dated 16th December, 2024 in the light of the Rules 19 and 21 of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004 in presence of the parties.
- (ii) Thereafter, hear the parties and take necessary steps, if required, in accordance with law.
- (iii) The entire exercise shall be completed within two months from the date of communication of this order.

Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.

Petitioners are directed to communicate this order to respondent no.8, Pradhan, Seakhala Gram Panchayat.

With the aforesaid directions, the writ petition being **WPA 96 of 2025** is disposed of.

Interim order, if any, stands vacated.

All connected applications, if any, stand disposed of.

There shall be no order as to costs.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)