

01.08.2025
Sl. No.25(DL)
Ct. No.42
srm

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

W.P.A. No. 4608 of 2025

Ashta Malik

Versus

The State of West Bengal & Ors.

Mr. Nirmalya Kumar Das,
Mr. Jahangir Hossain,
Mr. Ujjal Gayen

...for the Petitioner.

Mr. Pantu Deb Roy,
Mr. Pannalal Bandyopadhyay

...for the State.

Affidavit-of-service filed on behalf of the
petitioner is taken on record.

By the present writ petition, the petitioner seeks
direction upon the respondent authorities particularly
the respondent No.2 to take steps for removal of the
obstruction in the common passage (road) affecting the
ingress and egress of the petitioner to his house
located at Plot No.461 (sabek), 515 (LR) in Mouza
Kalyanbati, Chanditala-I Block, District-Hooghly.

Petitioner contends that he is the owner of the
land measuring 4 decimals under Plot No.461 (sabek),
515 (LR) in Mouza Kalyanbati, Chanditala-I Block,
District-Hooghly and has constructed a residential
house and is residing thereat. The private respondent
No.4 has obstructed the common passage thereby

effecting the ingress and egress of the petitioner to his house. A representation was made before the local gram panchayat on 17th February, 2025 to take appropriate steps. However, no steps have been taken. Hence, this writ petition.

Mr. Nirmalya Kumar Das, learned Advocate for the petitioner submits that the matter be relegated to the respondent No.2, Pradhan, Aniya Gram Panchayat to consider and dispose of the representation of the petitioner stated 17th February, 2025.

Despite service, none appears on behalf of the State-respondents, respondent No.2 and the private respondent No.4.

Mr. Pantu Deb Roy, learned Additional Government Pleader, who usually appears on behalf of the State-respondents is requested to appear in this matter along with a junior of his choice. The appearance of the learned Advocates be regularised by the concerned authority.

Let a copy of the writ petition along with annexure be served upon the learned Advocate for the State respondent.

Mr. Pantu Deb Roy, learned Additional Government Pleader also submits that the matter may be relegated to the Pradhan of local Gram Panchayat for taking appropriate steps.

Upon hearing the learned advocates for the appearing parties, respondent No.2, Pradhan, Aniya

Gram Panchayat is directed to consider the representation of the petitioner dated 17th February, 2025 and dispose of the same in accordance with law by passing a reasoned order, upon notice to all interested including the petitioner and private respondent no.4 within a period of four weeks from the date of communication of this order in accordance with law.

Reasoned order shall be communicated to the parties within a week of passing of such orders.

The learned Advocate for the petitioner is directed to communicate this order to the respondent No.2, Pradhan, Aniya Gram Panchayat along with copy of the representation dated 17th February, 2025.

It is made clear that this Court has not gone into the merits of this writ petition.

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

With the aforesaid directions, the writ petition being **WPA 4608 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.)