

28.10.2025
Sl. No.22(DL)
Ct. No.42
srm

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

W.P.A. No. 8588 of 2024

Dilip Mondal & Ors.

Versus

The State of West Bengal & Ors.

Mr. Syed Mosihar Rahman

...for the Petitioners.

Mr. Rajat Dutta,
Ms. Tuhina Parvin

...for the State.

Mr. Kalyan Kumar Panda

...for the Respondent Nos.7 & 8.

1. Affidavit-of-service filed on behalf of the petitioners is taken on record.
2. On the prayer of learned advocate for the petitioners, leave is granted to file supplementary affidavit. Supplementary affidavit filed on behalf of the petitioners is taken on record. Copy served.
3. By the present writ petition, the petitioners seek for direction upon the respondent authorities to take necessary steps for removal of the fencing from the existing 6 ft. common path being Sabek Dag No.2251, Hal Dag No.2268, Khatian No.2475, 2476 and 68, J.L. No.79 within Mouza and Police Station Shyampur.
4. The aforesaid property-in-question has been recorded in the name of petitioner nos.1 and 2 and deceased father of the petitioner nos. 3 and 4 namely Amiyo Giri. There is a 6 ft. common path which is being used for last 150 years by the ancestors of the petitioners as a

common path for egress and ingress. Electricity connection has also been made through the said common path. However the private respondents have obstructed such common path by fencing which has caused obstruction to egress and ingress of the petitioners. Over such issue, the petitioners have made a representation on 18th December, 2023 before the Pradhan, Shyampur Gram Panchayat as well as other authorities for redressal of their grievances. However, no steps have been taken. Hence, this writ petition.

5. Mr. Syed Mosihar Rahman, learned Advocate for petitioners submits that the representation of the petitioners be relegated to the Pradhan of local gram panchayat for consideration and disposal.
6. Mr. Kalyan Kumar Panda, learned Advocate for the private respondent Nos.7 and 8 submit that path besides the pond is the private property of respondent Nos.7 and 8. Due to natural erosion of land besides the pond, the path has become narrower. The private respondents have not made any fencing on the path as has been alleged by the petitioners causing obstruction to the egress and ingress of the petitioners. The writ petition is, thus, short of merit and should be dismissed in *limini*.
7. Mr. Rajat Dutta, learned Advocate for the State submits that the path is used as a common path by the petitioners since long and fencing has been made by the private respondent respondents in the year

2014. The width of the common path eroded in the natural course. He files a report furnished by the Officer-in-Charge, Shyampur Police Station dated 9th July, 2025 which is taken on record.

8. Despite service, none appears on behalf of respondent No.5, Pradhan, Syampur Anchal Gram Panchayat.
9. Upon hearing learned Advocates for the respective parties, the respondent No.5, Pradhan, Syampur Anchal Gram Panchayat is directed to consider and dispose of the representation of the petitioners dated 18th December, 2023 upon notice to all the interested parties including the petitioners and the private respondent Nos.7 and 8, by a reasoned order within a period of six weeks from the date of communication of this order.
10. Parties are granted liberty to produce all relevant documents before respondent No.5, Pradhan, Syampur Anchal Gram Panchayat.
11. The reasoned order shall be communicated to the parties within a week from passing of such orders.
12. The learned Advocate for the petitioners is directed to communicate this order to the respondent No.5, Pradhan, Shyampur Anchal Gram Panchayat for necessary compliance.
13. It is made clear that this Court has not gone into the merits of this writ petition.
14. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.

15. Accordingly, the writ petition being **WPA 8588 of 2024** stands disposed of.
16. Interim order, if any, stands vacated.
17. All connected applications, if any, stand disposed of.
18. There shall be no order as to costs.
19. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
20. 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.)