

S/L 3
12.06.2025
Court. No. 19
Suwayan

WPA 8115 of 2025

**Matleb Khan
Vs.
State of West Bengal & Ors.**

*Mr. Biswarup Mukherjee
Ms. Dolan Das Gupta*

...for the petitioner.

*Mr. Amal Kr. Sen, AGP
Ms. Ashima Das (Sil)*

...for the State.

*Mr. Subhas Chandra Atha
Ms. Payel Paramanik*

...for the respondent nos. 9 & 10.

1. The affidavit-of-service as filed today is taken on record.
2. By filing the instant writ petition the writ petitioner has prayed for issuance of appropriate writ/writs against the respondents/authorities for considering the representations as submitted by the writ petitioner in accordance with law.
3. At the time of hearing, learned Advocate for the writ petitioner at the very outset draws attention of this Court to page nos. 64 and 65 of the instant writ petition which is a copy of undated letter bearing no signature addressed to the jurisdictional BL&LRO who is the respondent no. 3 herein.
4. On perusal of the said copy of the letter along with other materials as placed before this Court and after hearing the learned Advocates for the contending parties it appears to this Court that it is the grievance of the writ petitioner that the private respondents have

raised an unauthorized construction over a pathway which is 'ejmali' (common) in nature causing serious hindrance to the writ petitioner as to the free egress and ingress to his property.

5. From the materials as placed before this Court it nowhere reveals that such alleged encroachment and/or unlawful construction has been raised over any public road and/or Government road.
6. Such being the position, this Court considers that the respondents/authorities have got no role to play and, therefore, there alleged inaction cannot be challenged by filing the instant writ petition especially when the writ petitioner has alternative remedy before the common law forum.
7. In view of such, this Court finds no merit in the instant writ petition.
8. Accordingly, the instant writ petition being WPA 8115 of 2025 is dismissed.
9. There shall be, however, no order as to costs.
10. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)