

04.12.2025
SI No.1
Ct. No.15
S.A.

**WPA 11742 of 2024
with
CAN 1 of 2024**

**Anup Saha & Anr.
-vs-
The State of West Bengal & Ors.**

Mr. Udaynarayan Betal
...for the petitioners
Mr. Lalit Mohan Mahata
Mr. Prasanta Behari Mahata
...for the State
Mr. Sunil Gupta
Mr. H. Islam
...for Murshidabad Zilla Parishad

Let the affidavit of service filed by the petitioners be kept with the records.

According to the petitioners, they are the owners of L.R. Plot No. 3104 corresponding to R.S. Plot No. 2426 under L.R. Khatian No. 10195, Mouza Lalgola, J.L. No. 80, Police Station Lalgola, District Murshidabad. A two-storied building stands on the said land, and the petitioners intend to commence a business on the ground floor of the premises.

It is alleged that respondent no. 8, who operates a decoration business from a shop situated opposite the petitioners' house on the other side of the road, is obstructing the petitioners' free ingress to and egress from their residence by stacking decoration materials and other items on the roadside. It is further submitted that the flank of the main road in front of

the petitioners' house belongs to the Murshidabad Zilla Parishad.

Learned counsel appearing for the Zilla Parishad, however, submits that the question of whether the land belongs to the Zilla Parishad or to the Public Works Department (PWD) of the State requires verification through the appointment of a surveyor.

Respondent no. 8 is unrepresented.

In my view, the issue of whether the land belongs to the PWD or the Murshidabad Zilla Parishad does not materially alter the situation. If the frontage of the petitioners' building is being unlawfully obstructed by respondent no. 8 through the stacking of materials—whether on PWD land or on Zilla Parishad land—such obstruction must be removed to ensure the petitioners' unrestricted access to their residence.

In light of the above, I find no justification for keeping this writ petition pending. The Officer-in-Charge of Lalgola Police Station (respondent no. 7) as well as the Additional Executive Officer, Murshidabad Zilla Parishad, shall ensure that all articles and materials stacked on the flank of the road in front of the petitioners' house are removed within two weeks from the date of communication of this order, thereby

securing free ingress to and egress from the petitioners' residence.

Accordingly, **WPA 11742 of 2024** along with **CAN 1 of 2024** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)