

S/L 17  
15.09.2025  
Court. No. 19  
*Suwayan*

**WPA 13612 of 2025**

**Sri Tapas Sahoo  
Vs.  
The State of West Bengal & Ors.**

*Mr. Amal Kumar Banerjee*

*...for the petitioner.*

*Mr. Chandi Charan De, AGP  
Mr. Anirban Sarkar*

*...for the State.*

*Mr. Golam Mostafa  
Mr. Tarasankar Samanta*

*...for the respondent nos. 7, 10, 11, 14 & 15.*

1. The affidavit-of-service as filed today on behalf of the writ petitioner is taken on record.
2. Liberty is given to the learned Advocate appearing on behalf of the respondent nos. 7, 10, 11, 14 and 15 to file the Vakalatnama in connection with the instant writ petition in the department positively within three days from today.
3. On perusal of the entire materials as placed before this Court and after hearing the learned Advocates for the contending parties it reveals that the subject matter of dispute is with regard to a common passage as indicated in a registered deed of partition dated 05.03.1980 by and between the predecessors-in-interest of the writ petitioner and the private respondents.
4. It appears to this Court that it is the grievance of the writ petitioner that on account of the alleged obstruction as raised by the private respondents the

writ petitioner is not able to use the said common passage for egress and ingress.

5. It further appears to this Court that instead of approaching this Court the writ petitioner ought to have approached the common law forum for ventilating his grievance. No case has been made out on behalf of the writ petitioner as to why the writ petitioner filed the instant writ petition instead of availing the alternative remedy as available to him.
6. Considering the entire circumstances this Court has got no other alternative but to hold that the instant writ petition is not at all maintainable in the present form.
7. Accordingly, WPA 13612 of 2025 is dismissed.
8. However, there shall be no order as to costs.
9. It is, however, made clear that the dismissal of the instant writ petition will not operate as a *res judicata* in the event the writ petitioner approaches the common law forum for ventilating his grievance on the self-same cause of action.
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.)**