

S/L 14
02.12.2025
Court. No. 25
sourav

WPA 15025 of 2024

Jayanta Karmakar
Vs.
The State of West Bengal & Ors.

Mr. Arijit Bakshi

...for the petitioner.

Ms. Rupsha Chakraborty

...for the State.

1. The report filed by the State is taken on record.
2. Initially the petitioner had made a complaint before the learned Sub-Divisional Magistrate, Gangarampur, Buniadpur against one Bikash Pal, Abhishek Pal and Souvin Pramanik. On the basis of the complaint made by the petitioner, a report was called for. The Revenue Inspector of the concerned circle has submitted two contradictory reports. In one report, it is mentioned that the disputed land used as pathway by the petitioner and the second report, it is mentioned that the disputed land was not used as pathway by the petitioner.
3. The learned Sub-Divisional Magistrate considering the report wherein it is mentioned that the petitioner is using the disputed land as pathway. Accordingly, the Sub-Divisional Magistrate has passed an order on April 5, 2023 directing the private respondents to remove the temporary structure so made by them in front of the petitioner's land which is obstructing the egress and ingress of the petitioner.

4. Subsequently, on June 28, 2023 the Sub-Divisional Magistrate, Gangarampur finds that the private respondents are not complied with the direction passed by the him, the Sub-Divisional Magistrate directed the I.C. Gangarampur to see whether the private respondents have complied with the order dated April 5, 2023 or not.
5. Again the matter was taken on July 15, 2023 wherein it was found that the private respondents have not complied with the order dated April 5, 2023, accordingly, the Sub-Divisional Magistrate directed the I.C. Gangarampur to arrest the private respondents and to send to the correctional home till June 27, 2023.
6. In the meantime, being aggrieved with the order passed by the Sub-Divisional Magistrate dated April 5, 2023, the private respondents have preferred a revisional application before the learned Court of Additional Sessions Judge, Gangarampur and by a judgment dated August 22, 2023, the order passed by the Sub-Divisional Magistrate dated April 5, 2023 was set aside and quashed.
7. Now the petitioner has filed the present writ application praying for a direction upon the private respondents to vacate the public land in question.
8. This Court finds that initially, the petitioner has made a complaint to the Sub-Divisional Magistrate and the Sub-Divisional Magistrate has taken appropriate steps and passed an appropriate order but the same was set aside by the learned Additional Sessions Judge by a

judgment dated August 22, 2023. After setting aside the order of the Sub-Divisional Magistrate, the petitioner has not taken any steps either before the Sub-Divisional Magistrate or any other competent authority for taking any action against the private respondents and has directly filed the present writ application.

9. Considering the above, this Court finds that there is a disputed question of fact and if the petitioner finds that the private respondents have made any encroachment due to which the ingress and egress of the petitioner has been affected, the petitioner has an alternative remedy to approach before the appropriate authority for taking appropriate steps.
10. This Court in a writ jurisdiction cannot adjudicate whether the private respondents have occupied any government land or whether the egress and ingress of the petitioner has been affected or not. Accordingly, this Court finds that the writ petition is not maintainable.
11. **WPA 15025 of 2024** is dismissed.
12. However, the dismissal of the writ petition will not prevent the petitioner for taking appropriate steps before the appropriate authority against the private respondents if the private respondents are found to be in any illegal occupation or construction of any structure in the pathway which the petitioner is using as ingress and egress to his shop.

(Krishna Rao, J.)