

11.12.2025
Sl No.A636
Ct. No.15
S.A.

WPA 19932 of 2024

Ganesh Chandra Biswas

-vs-

The State of West Bengal & Ors.

Ms. Mitali Jana

...for the petitioner

Mr. Pritam Chowdhury

Ms. Sukanya Datta

...for the State

The inconsistent stand taken by the petitioner in the present matter was also noted by a Co-ordinate Bench of this Court while disposing of WPA 14842 of 2021 by an order dated February 8, 2022. In that case, the petitioner claimed to be the owner of Plot No. 3868, measuring 7 decimals, in Mouza – Kalinagar, pertaining to Khatian No. 4952. The petitioner alleged that the land was classified as bastu and was being used for residential purposes. He further alleged that a village pathway ran along the said land, which, according to him, belonged to him. The petitioner contended that the Panchayat Authorities were forcibly entering the said pathway and his land for the purpose of constructing a concrete road.

The learned Judge also found that the averments made in the writ petition were contrary to the submissions advanced at the Bar. It had been averred in the petition that the Sri Sri Ramkrishna Gram Panchayat had decided to develop an existing

Panchayat road adjacent to the petitioner's pathway, and the petitioner apprehended that in the process of widening the said Panchayat road, his land might be forcibly taken away by the Panchayat Authorities.

Upon noting such inconsistencies, the learned Judge directed the District Magistrate, South 24 Parganas, to look into the matter. It was further directed that if the authorities found the petitioner's apprehension to be correct, appropriate corrective measures were to be taken. The learned Judge also observed that the petitioner's land could not be forcibly taken away by anyone, including the Panchayat Authorities, and that if the dispute appeared to be private in nature, the petitioner's remedy would lie in a civil suit.

In compliance with the order dated February 8, 2022, the District Magistrate heard all concerned parties. The Block Development Officer, Kakdwip, as well as the Sub-Divisional Officer, Kakdwip, submitted their respective reports before the District Magistrate.

After considering the reports and hearing the parties, the District Magistrate found that the relevant road had been constructed long ago, had been used by the local residents for a considerable period, and was essential for the village community. The District

Magistrate, however, directed the Panchayat Authorities not to commence any new construction on the said plot in contravention of the provisions of the West Bengal Panchayat Act, 1973.

The petitioner has now filed the present writ petition, in substance, reiterating the very same allegations. The representation at page 27 makes it abundantly clear that the petitioner continues to allege that certain Panchayat members—impleaded as private respondents in this case—intend to construct a new road encroaching upon his land. This grievance has already been addressed by the District Magistrate. The petitioner cannot be permitted to file repeated writ petition on the same cause of action. This Court finds that, once again, the allegations are not supported by any documents.

In that view of the matter, **WPA 19932 of 2024** is dismissed.

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.)