

07.07.2025
Item No.304
BR

WPA 24428 of 2017
Sukumar Paul
-vs-
State of West Bengal & ors

Mr.Lalratan Mandal,
Mr. Dilip Kumar Sadhu

... for the petitioner

Mr. Asish Kumar Guha,
Mr. Jayak Gupta
.... For the State

Mr. Salil Kumar Maiti,
Ms. Pinki Saha,
Ms. Dolon Samanta
... for the respondent nos. 8 to 13

Affidavit of service filed by the petitioner
be kept with record.

The writ application has been preferred
praying for direction upon the respondent
no. 7, the Pradhan, Basudebpur No. 7
Gram Panchayat, Nandakumar Block,
Village-Hansgeria, Post Office Khanchi, P.S.
Nandakumar, District- Purba Medinipur,
Pin.721632 to take appropriate step to
ensure that the passage to the Shiva
Temple situated on the plot No. 2078
under Mouza Basudebpur is unrestricted
considering that the common people use
the passage for ingress and egress to the

Shiva temple within a stipulated period of time and further direction upon the respondents to take appropriate steps in respect of the unauthorized construction made by the private respondents which has been allegedly constructed without sanction from the panchayat authority.

Learned counsel appearing for the private respondents submits that he has become the owner of the property by way of purchase and on being the owner of the property he has made construction as per permission granted by the panchayat.

Learned counsel appearing for the petitioner submits that a representation has been made before the Sub-divisional Officer, District- Tamruk, Purba Medinipur on 26.4.2012 and that till date no action has been taken.

It prima facie appears from the nature of relief prayed for and the dispute in the present case, that the principal grievance of the petitioner is that he is unable to use a passage which allegedly was being used by the villagers including himself.

It is further submitted that there is no alternative pathway other than the common passage which the private respondent has blocked.

It thus prima facie appears that dispute between the parties is prima facie

civil in nature and the relief lies before the civil Court.

Considering that the representation is pending before the Sub-divisional Officer, Tamluk dated 26.4.2017, the writ petition is disposed for with the direction that the Sub-divisional Officer, Tamluk, Purba Medinipur being the respondent no. 3, who shall dispose of the representation on hearing the respective parties in accordance with law within 30 days from the date of communication of this order .

Writ petition stands disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the learned counsel for the parties on usual undertakings.

(Shampa Dutt (Paul), J.)