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jdt. 20.03.2026
jb.

WPA 2896 of 2026
(Janmenjoy Mahala vs. State of West Bengal & Ors.)

Mr. Soumak Bera

.... For the Petitioner

Mr. Malay Krishna De

Mr. Biswajit Das

.... For the State

Mr. Rabindranath Mahato

Mr. Aritra Shankar Roy

.... For the Private Respondent nos. 7-13

Affidavit of service filed by the petitioner and the report submitted by the State are taken on record.

The Panchayat is not represented despite service.

It is not in dispute that the public pathway in plot no. 256 adjoining the property of the petitioner is used by the public at large including both the parties. The petitioner alleges that the private respondents have been creating nuisance in the said path and are trying to construct a toilet therein. The petitioner submitted a representation in this regard before the concerned authority on 5th January, 2026 and seeks consideration of the same.

This Court is informed that the private respondents filed a suit before the learned civil Court seeking right of user of the said public pathway and for drainage of water from the other plots. The suit has been dismissed for default. Both the parties seek maintenance of the said pathway by the Panchayat.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that since the representation submitted by the petitioner is pending consideration, the Pradhan, No. 1 Arjuni Gram Panchayat, being the 5th respondent herein, is directed to consider and dispose of the same within four weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioner and the private respondents, in accordance with law.

The decision taken by the authority shall be communicated to the parties within a week thereof.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)