

WPA 4314 of 2026

Dilip Mondal & Ors.
Vs.
The State of W. B. & Ors.

Syed Mosihar Rahman ...for the petitioners.

Mr. Kalyan Kumar Panda
...for respondent nos.6 & 7.

Mr. Debabrata Banerjee
Mr. Somnath Mukhopadhyay ...for the State.

Affidavit of service filed by the petitioners is taken on record.

None appears for the Panchayat despite service.

Learned counsel for the petitioners submits that the private respondents have been obstructing the common pathway used by both the parties despite having no right, title and interest therein. The petitioners have been using the said path for more than 150 years.

Per contra, learned counsel for the private respondents submits that the said pathway belongs to the private respondents and the petitioners have no title or possession in respect of the same.

The petitioners deny and dispute the said contention.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that the dispute between the parties is essentially civil in nature, both the parties claiming title and possession in respect of

the pathway in question. The issue cannot be decided by the Panchayat.

The petitioners are at liberty to approach the appropriate civil forum for redressal of their grievance.

Nothing further remains to be decided in this application. The same is disposed of accordingly.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)