M/L- 38
05/10/2026
Ct. No.-758
Aritra

WPA 29991 of 2024

Sahara Educational Trust, rept. by its Chairman Sk. Samsul Huda
Vs.
The State of West Bengal & Ors.

Mr. Robiul Islam
Mr. Sk. Jayed Hossain
Mr. Masooq Rahman
Ms. Sumitra Das

....for the petitioner

Mr. Indrajeet Dasgupta
Ms. Oisani Mukherjee

....for the State

Mr. Santimay Bhattacharyya
Mr. Ziaul Haque
Mr. Anirban Das
Ms. Aloka Bhattacharyya

....for the respondent no.7

1. The writ petition has been filed by Sahara Educational Trust, represented by its Chairman, Sk. Samsul Huda. The petitioner claims ownership of a building measuring approximately 10,000 square feet situated on Plot No.488, J.L. No.197, Mouza Kasanda. According to the petitioner, the only access to the institution from the main PWD road is through an 8-foot wide pathway over Plot No.491, which has been used by local residents and students of the institution for a considerable period.
2. The petitioner further contends that an oral agreement was arrived at between the owner of Plot No.491 and the Trust permitting access to the institution through that plot. It is alleged that the private respondents subsequently obstructed such ingress and egress.
3. In connection with an incident arising out of the dispute, Chandrakona Police Station Case No.374 of 2024 dated 17th November, 2024 was registered. The petitioner has prayed for, inter alia, a writ of mandamus directing the respondents to permit use of the pathway over Plot No.491 for access to the institution, asserting an easementary right.

4. Learned advocate appearing for respondent no.7 disputes the petitioner's asserted right of passage and denies that respondent no.7 granted permission to use his land for access to the institution.
5. Learned advocate appearing for the State also raises an objection to the institution of the writ petition in the name of the Trust through its Chairman.
6. In view of the conclusion reached below, it is unnecessary to determine that objection, which is left open.
7. The State has placed a report dated 3rd October, 2026 before this Court. The report records that two complaints resulted in registration of criminal cases and that charge-sheets have been submitted in both cases. This Court has considered the submissions of the parties and the State's report.
8. The principal relief sought is enforcement of a disputed right of passage over the land claimed by respondent no.7. The existence and terms of the alleged oral agreement, the nature and duration of the use of the pathway, and the legal basis of the asserted right require adjudication upon appropriate pleadings and evidence.
9. In these circumstances, this Court is not inclined to adjudicate the disputed civil right in proceedings under Article 226 of the Constitution of India. The petitioner may seek appropriate declaratory and consequential relief, including interim relief, before the competent civil court. Reference may be made in this connection to (See : *Sohan Lal v. Union of India*, AIR 1957 SC 529).
10. Insofar as the complaints referred to in the State's report are concerned, the report records registration of criminal cases and submission of charge-sheets. On the material presently placed before this Court, no further direction relating to the investigation of those complaints is warranted. This observation shall not prejudice any remedy available to the petitioner before the competent criminal court.
11. Accordingly, WPA 29991 of 2024 is disposed of with liberty to the petitioner to pursue appropriate remedies before the competent forum in accordance with law.

12. No opinion is expressed on the ownership of the disputed land, the existence or enforceability of the alleged agreement, or any right of passage claimed by the petitioner. All such questions remain open.
13. Having regard to the incidents recorded in the State's report, the Officer-in-Charge, Chandrakona Police Station, shall maintain appropriate vigilance in the locality and take preventive or other action in accordance with law whenever required.
14. There shall be no order as to costs.
15. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Anuj Singh, J.)