

1 13-01-2026
AKG
Ct. 15

WPA 20125 of 2024
Sri Samir Saha
Vs.
The State of West Bengal & Ors.

Ms. Shebatee Datta,
Ms. Poulami Roy

...for the Petitioner

Mr. Malay Kumar Singh,
Ms. Dipa Bhattacharya

...for the State

Mr. Kallol Mondal,
Mr. Krishan Ray,
Mr. Souvik Das,
Mr. Anamitra Banerjee,
Mr. Sreyash Kr. Singh,
Mr. Akbar Laskar,
Ms. Moupia Chakraborty,

...for Respondent No. 4

It is the grievance of the petitioner that the Panchayat has constructed a concrete road by encroaching upon a portion of R.S. Dag No. 636/1185 and L.R. Dag No. 663, J.L. No. 29, Mouza-Prasastha, P.S.-Domjur, District Howrah.

The ownership of the plot in question is not in dispute. It appears that the petitioner, along with seven other co-sharers, is the owner of the said plot.

Learned counsel appearing on behalf of the petitioner further submits that respondent no. 7 had instituted a suit before the competent Civil Court, pursuant to which an order of injunction was passed directing the parties to maintain status quo with respect to a common passage on the said plot. It is alleged that, in violation of the said order, the Panchayat proceeded to convert the aforesaid

common passage into a concrete road.

It is submitted on behalf of the Panchayat that all the other seven co-sharers had submitted their respective “No Objection” certificates to the Panchayat for conversion of the kaccha road into a concrete road. The petitioner, however, did not submit any such “No Objection”. It is further stated that the Panchayat completed the construction of the road in the month of June, 2024. However, it is acknowledged that the Panchayat cannot claim any ownership over the road in question, as the same is a private road belonging to the petitioner and the other co-sharers.

Having regard to the submissions made hereinabove, this Court is of the view that there is no scope for restraining the Panchayat from constructing the concrete road, as the construction of the road has already been completed.

Accordingly, no further order is required to be passed in the present writ petition.

In that view of the matter, this writ petition is disposed of with the clarification that the Panchayat shall not claim any right, title, or interest over the common passage in question. The petitioner shall be at liberty to approach the competent authority for appropriate redressal of his

grievance, in accordance with law.

Accordingly, **WPA 20125 of 2024** stands disposed of.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)