

S/L 13 (DL)
20.10.2020
Ct. No. 19
GB

W.P.A 7349 of 2020
CAN 1 of 2020

Sri Adhir Kumar Pal & Ors.
Vs.
The State of West Bengal & Ors.
(Through Video Conference)

Mr. Tulshi Kumar Roy,
Mr. Tapan Roy.

...for the Petitioners.

Mr. Jishnu Chowdhury,
Ms. Karabi Roy,
Mr. Rohan Roy.

...for the Respondents.

The petitioner alleges overt act on the part of the Officer in-Charge, Karimpur Police Station stating that the police authorities physically obstructed the petitioner from constructing a boundary wall over a plot of land of which the petitioner came to be the lawful owner. It is further submitted by the petitioner that the police authorities do not have any jurisdiction to decide title and obstruct a lawful owner from making any construction.

Mr. Chowdhury, learned Additional Government Pleader submits that pursuant to a direction of the learned Magistrate in an application under Section 144 of the Code of Criminal Procedure the police authorities were directed to ensure maintenance of law and order in the area in question. Thus the police authorities instructed the petitioner not to carry out any construction on the land over which the respondent no.4 has been in possession for some time. It is submitted by Mr. Chowdhury that the police authorities just

wanted to ensure that there was no breach of peace and that law and order was maintained in the area.

Ms. Karabi Roy, learned advocate appearing on behalf of the respondent no.4 submits that her client has been in continuous possession over the said plot of land for 40 years. She submits that the petitioner has encroached into the land and forcefully tried to construct the boundary wall. As there is a dispute over the ownership, title and possession of the said land, a civil suit has been filed by her client before the learned Civil Judge (Junior Division), Tehatta being Title Suit No.146 of 2020. She further submits that by an order of *ad interim* injunction dated October 16, 2020, the Civil Court has restrained the defendants therein, i.e., the petitioner herein from making any construction upto November 20, 2020.

Under such circumstances, this writ petition does not call for any interference. It is open to the petitioner to contest the suit as also the application for *ad interim* injunction before the Civil Court at the appropriate stage and in accordance with law.

Accordingly, WPA 7349 of 2020 along with CAN 1 of 2020 are disposed of.

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

Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)