

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 2110 of 2020

Mira Rani Mondal
Vs.
The State of West Bengal & Ors.

Mr. Sk. Md. Ashik Iquebal
... For the petitioner.

Mr. Raja Saha,
Mr. Srikanta Paul
... For the State.

Mr. Debjit Mukherjee,
Mr. K. Bhattacharya
... For the respondent no.10

The petitioner alleges police inaction in respect of a complaint made by the petitioner alleging encroachment of public road, maintained by the Public Works Department, Government of West Bengal, (in short, PWD) and forcibly constructing a boundary wall. It is, however, not clear as to whether the said public road is a State highway as sought to be alleged by the petitioner.

After hearing the petitioner, the private respondent and considering the materials on record, it appears that this Court in exercise of writ jurisdiction while hearing a case of alleged police inaction cannot pass an order which will amount to adjudication of right, title and interest of and in the

property of either the petitioner or the private respondent.

The writ petition is, therefor, disposed of giving the petitioner a liberty to approach the appropriate forum as may be advised in accordance with law. It is made clear that in the event the petitioner has any right under the West Bengal Highways Act, 1964, the petitioner will be entitled to avail the same on the selfsame cause.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon compliance with the necessary formalities.

(Arindam Mukherjee, J.)