

04-08-2021
ct no. 13
Sl.29
sp

WPA 11301 of 2021
Makhal Rahaman Gazi & Ors.
-Versus-
State of West Bengal & Ors.
(Via Video Conference)

Mr. Sudarshan Ghosh
...for the petitioners

Ms. Amrita Panja Moulick
...for the State

Mr. Saptarshi Mukherjee,
Ms. Khusboo Choudhury,
Mr. Subhendu Paik
...for the respondent no.7

The writ petitioner complains that the private respondents have broken a wall on his plot of land and have stolen about six thousand bricks. It is further submitted that when the petitioner lodged a complaint with the Bakultala Police Station, no action was taken. It is also submitted that the private respondents have effected construction on the property with the permission of the local panchayat.

Counsel for the State submits that the incident occurred on June 2, 2021 and not in July, 2021 as contended by the petitioner. It is submitted that the private respondents have obtained orders under Section 144 of the Cr.P.C., which restrained the private respondents from

entering into the premises. The construction has been effected based on such order.

The private respondents claim that he is the actual owner of the property. It is submitted that there is a civil suit being T.S. 58 of 2020 pending between the parties as regards the title of the property. Proceedings are also pending before the B.L. & L.R.O., Jaynagar, Dist.-South 24-Parganas at the instance of the private respondents.

This Court is of the view that dispute between the parties is primarily civil in nature. The order dated February 4, 2020 passed by the District Magistrate under Section 144 is taken on record.

The parties may settle their disputes before a civil forum in the pending suit or in any other proceedings in accordance with law.

Since the counsel for the State submits that proceedings under Section 107 of the Cr.P.C. have been drawn up, the Officer-in-Charge, Bakultala Police Station shall ensure that there is no breach of peace and tranquility in the area.

As regards the allegations of the petitioner that the construction is without sanction of the panchayat, appropriate steps may be taken by the panchayat, if any complaint is received. The panchayat shall dispose of the same within a period one month thereof.

With the aforesaid directions, the writ petition is disposed of.

There shall be no order as to costs.

Since no affidavits have been used by the private respondents, none of the allegations made in the writ petition shall be deemed to have been admitted by this Court.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)