

31.08.2021
Ct. No.8
S/L No.4
KS

(Via Video Conference)
W.P.A. 12123 of 2021
Taraknath Mukherjee
-Vs.-
The State of West Bengal & Ors.

Mr. Raja Biswas
Mr. Abhijit Sarkar
.....For the Petitioner
Md. Hasanuz Zaman
.....For the State

Affidavit of service filed in Court be taken on record. There is no track report to show the service effected upon the private respondents.

Mr. Raja Biswas, learned counsel for the petitioner submits that the land in question has been purchased from the father of the respondent no.4 but the respondent no.4 and his men, agents and assigns are trying to obstruct the petitioner while raising a boundary wall over his purchased land. Admittedly, there is no civil dispute to resolve the boundary dispute.

Since the petitioner is the lawful owner of the scheduled land by virtue of purchase of the land from the father of the respondent no.4, there should not be any dispute as to the boundary as area of land mentioned in the deed of Kobala is sufficient for the identification of land sold which shall prevail in

case specific boundary is not given. It is submitted that the entire quantum of land in the plot is 69 decimals as per the L.R. Record of Rights which is undivided property out of which 13 decimals of land has been sold to the writ petitioner and the petitioner is free to exercise his right of enjoyment of the property by raising a boundary around it. If the respondent no.4 has at all any boundary issue then he is free to seek remedy to ascertain the boundary by local investigation by a survey passed Commissioner.

Learned counsel for the petitioner submits that the father of the respondent no.4 has transferred the land measuring 13 decimals to the petitioner with specified boundary area given in the schedule and the deed of sale and the land can be identified from the area of land itself.

Md. Hasanuz Zaman, learned counsel for the State submits a report to the effect that land purchased by the writ petitioner in Mouza – Bahigachi, J.L. No.39 does not fall under the jurisdiction of Ranaghat Police Station which is situated within the jurisdiction of Dhantala Police Station whereas the writ petitioner has filed an application requesting the Officer-in-Charge of Ranaghat Police Station for police assistance. It has been ascertained that moot issue of dispute alleged by the petitioner pertains to Civil in nature which can be decided by a

competent Civil Court order. It is indeed not within the domain of police to interfere into the land dispute. It is submitted that although the schedule land falls under Dhantala Police Station area, yet the respondent State is ready to render police assistance.

This Court finds that the respondent no.2 – Superintendent of Police, Ranaghat Police District has the control over the Ranaghat Police Station and so also Dhantala PS, hence, the respondent no.2 is directed to extend appropriate assistance ensuring police protection to the petitioner in the matter of constructing boundary wall over his purchased land.

Accordingly, the writ application being, W.P.A. 12123 of 2021 is disposed of with the above direction, however, without any order as to costs.

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

(Shivakant Prasad, J.)