

26.11.2021
Court No.13
Item No.24
AP

WPA 14385 of 2021

Ajay Mondal @ Bhantu
Vs.
The State of West Bengal and Ors.

(Through Video Conference)

Mr. Soumen Dutta
Mr. Subhadeep Chatterjee

... For the Petitioner.

Mr. Prasun Mukherjee
Mr. Subhabrata Datta
Mr. Abdus Salam

... For the State.

The report of the Officer-in-Charge, Talpatighat Coastal Police Station, Purba Medinipur dated 16th September, 2021 be kept with the record.

Learned counsel for the petitioner submits that the petitioner is being obstructed by the private respondents in effecting construction over his land. For such construction, the petitioner has obtained the benefit of first installment under the Pradhan Mantri Awas Yojana. The petitioner has annexed the order of the Executive Magistrate dated 6th August, 2021 by which the petitioner's case is admitted under Section 144(2) of the Code of Criminal Procedure to substantiate his grievance. However, by an order dated 9th July, 2021 the Khejuri Gram Panchayat, through which the petitioner has benefited under the Pradhan Mantri Awas Yojana, has called the petitioner and notified him of having violated the terms of the scheme.

The petitioner seeks a direction upon the police to grant him protection for effecting construction.

Counsel for the State submits that the person who is obstructing the petitioner is his own brother. It is also submitted that there is dispute between two brothers with regard to a joint property. There is also civil suit pending between the parties.

This court is of the view that dispute between the petitioner and the private respondent is primarily civil in nature.

The grievance of the petitioner under the Pradhan Mantri Awas Yojana is a separate cause of action and can't be clubbed with the grievance against the police.

The writ petition, therefore, fails for the reason that the dispute between the parties is primarily civil in nature. The petition also fails for the reason that there is mis-joinder of causes of action.

WPA No. 14385 of 2021 is dismissed.

There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)