

AD. 11.
January 4, 2021.
MNS.

W. P. A. 9311 of 2020
(**Via video conference**)

Surajit Bhunia
Vs.
The State of West Bengal and others

Mr. Tarum Kumar Das,
Mr. Pradip Paul

... for the petitioner.

Mr. N. C. Bihani,
Ms. Papiya Banerjee Bihani,
Mr. Soumyajit Ghosh

...for the respondent-authorities.

Affidavit-of-service filed in Court today be
taken on record.

The grievance of the petitioner is that the private respondents are raising illegal and unauthorised construction of a 'Durga Temple' on the vacant portion of the land owned by the petitioner. When the petitioner drew the attention of the local police, adequate steps have not been taken by the police authorities at all to redress such grievance.

Learned counsel appearing for the respondent-authorities submits that the matter *prima facie* pertains to a civil dispute. That apart, complaints have been registered and investigation going on in respect of the present

grievance and subsequent allegations made by the petitioner.

In the circumstances of the case, since the police authorities have initiated investigation with regard to the allegations of the petitioner which within the criminal law domain, it would be inappropriate to go one step further by directing the police authorities to ensure that the private respondents stop construction, since such a direction involves adjudication of a civil dispute, involving detailed facts and requiring evidence be led by the private parties.

In such view of the matter, W. P. A. 9311 of 2020 is disposed of with liberty to the petitioner to approach the competent civil court with the disputes raised in the present writ petition. The police authorities shall ensure that the investigation regarding the complaints of assault and other complaints, if made by the petitioner, be proceeded with expeditiously.

There will be no order as to costs.

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

(Sabyasachi Bhattacharyya, J.)