

4th January,
2021
(AK)
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W.P.A 9737 of 2020

Sri Ashok Bhowmik
Vs.
The State of West Bengal & Ors.

Ms. Sonam Basu
...For the Petitioner.

Mr. Lalit Mohan Mahata
Mrs. Anima Das Chakraborty
...For the State.

Mr. Abdur Rakib
...For the Respondent no. 4 & 5.

Affidavit-of-Service filed in court today be kept on record.

The Police Report filed in court today be kept on record.

The petitioner has moved the writ petition with the grievance that the police authorities are not acting on the petitioner's complaint regarding the private respondent raising illegal construction on a plot of land, adjacent to the petitioner's land.

However, upon hearing both sides, it is evident that the petitioner is admittedly the owner of an adjacent land, as stated in paragraph 6 of the writ petition, and has taken out an application for pre-emption under Section 8 of the West Bengal land Reforms Act, 1955.

Under such circumstances, learned counsel appearing for the respondent authorities files a report

whereby the SI of police (OC, Shantipur P.S., Ranaghat) has disclosed that upon local enquiry, a non FIR prosecution was initiated and that the matter is completely civil in nature.

In the present case, it is, thus, evident that the petitioner's right of pre-emption, if any, is to be adjudicated by the competent court where the petitioner's pre-emption application is pending.

In any event, the petitioner has sufficient protection under the provisions of the 1955 Act itself, since if the petitioner succeeds in the pre-emption application, any accretion to the land-in-question will also vest in the petitioner.

In such view of the matter, there is no scope for interference in the present writ petition.

Accordingly, W.P.A 9737 of 2020 is dismissed without any order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)