

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 9999 of 2020

(Through Video Conference)

Snehamay Guchait

-vs.-

**The District Magistrate,
Paschim Medinipur & Ors.**

Mr. Sarbesh Pal
...for the petitioner

Mr. Santimay Bhattacharyya,
Mr. Ziaul Haque
...for the respondent no. 2

The petitioner challenges alleged inaction by the police authorities on several complaints lodged by the petitioner to the effect that the respondent nos. 6 to 12, collusively, have been disturbing the petitioner's possession and cultivation in respect of his own land apparently in the garb of implementing a Government Scheme.

Learned counsel appearing for the respondent no. 2 submits that no specific allegation was levelled against the respondent-authorities in the complaints of the petitioner.

It appears from the nature of the complaints, which have been annexed to the present writ petition, that although the petitioner asserted right over the property-in-dispute as a *raiyyat* thereof, the respondent-

authorities are using a portion of such land for construction under a government project.

In the absence of any specific challenge to the legality of the project, it would not be prudent to pass any interim order and/or issue a prerogative writ directing the police authorities to stop construction, in effect to stall the public project.

Moreover, the assertion of the petitioner's right has to be tested before a competent civil court by production and appreciation of evidence, which, in turn, will lead to a detailed examination on facts, which is beyond the pale of the writ court jurisdiction.

As such, W.P.A. No. 9999 of 2020 is disposed of by granting the petitioner liberty to approach the competent civil court for establishing the petitioner's right, title and interest to the property-in-dispute and to pray for appropriate interim orders in connection with the civil suit, if instituted.

The civil court, if so approached, shall deal with the petitioner's suit and applications on their own merit, without being influenced in any manner by any of the observations made herein.

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 of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)