

19-08-2021

ct no. 13

Sl. 113

Pk/akd

**WPA 10797of 2020
(Through Video Conference)**

**Ratna Mondal
Versus
State of West Bengal and others**

Mr. Bidyut Halder,
Mr. Indranil Halder
... for the petitioner.

Mr. Subhabrata Datta,
Mr. Debashis Sarkar
... for the State.

Mr. Debapriya Samanta,
Mr. Snehasish Mukherjee
... for the private respondents.

The writ petitioner claims that her husband is the owner of the land-in-question. A boundary wall was constructed on three sides except the western side due to obstruction by the private respondents.

Learned counsel for the private respondents submits that the petitioner is attempting to make construction on a drain that would have serious consequences on the adjacent land.

The dispute between the parties is civil in nature and must be resolved before a civil court.

The complaint of the petitioner was registered as an FIR No. 358 on 27.11.2020 and the same has resulted in a charge sheet

being no. 18 of 2021 dated 31.01.2021 under Sections 341/323/354/506/34 of the Indian Penal Code.

On the basis of an order passed under Section 156(3) of the Code of Criminal Procedure, the Katwa Police has also registered Police Station Case No. 626 of 2021 on 06.01.2021. A charge sheet no. 19 of 2021 dated 31.01.2021 has also been filed under Sections 341/323/354/34 of the Indian Penal Code.

In the above facts and circumstances of the case, this Court does not find any inaction on the part of the police.

The Officer-in-Charge, Katwa Police Station is hereby directed to ensure that there is no breach of peace in the area.

The proposed construction by the writ petitioner is stated to be the subject matter of the proceedings before the Katwa Municipality. The said Municipality may take appropriate steps in accordance with law as expeditiously as possible.

With the aforesaid observations, the writ petition is disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)