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4.7.2022
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WPA 848 of 2020

Gopal Halder & ors.
-vs-
The State of West Bengal & Ors.

Mr. Animesh Mukherjeefor the Petitioners

Affidavit of service filed by the learned advocate for the petitioners, be kept with the record.

There appears to be a long standing dispute between the petitioners and the respondent no. 7 to 10 over enjoyment of a property. The petitioners claim title through one, Makhan Chandra Halder. The petitioners allege that the concerned Joynagar Majilpur Municipality had granted a sanction, to build on the aforesaid land. The respondent nos. 7 to 10 do not have right, title and interest over the property in question and to obstruct such construction.

It is further submitted that several complaints were lodged before the concerned Joynagar Police Station. The police authorities did not take any steps, in this regard.

The dispute with regard to right, title, interest and possession over the land has to be decided by the civil court. The petitioners' remedy for an order of restrain upon the respondent nos. 7 to 10, would be

before the learned civil court. As there are allegations of disturbance, assault etc., the Inspector-in-charge, Joynagar Police Station is directed to consider and dispose of the representation dated 2nd November, 2019 in accordance with law, upon hearing the petitioner as also the respondent nos. 7 to 10. While the parties get their right, title, interest and possession adjudicated by the competent civil court, the police authority shall ensure that law and order is maintained.

Accordingly, WPA 848 of 2020 is disposed of.

All parties are to act on the server copy of this order.

(Shampa Sarkar J.)