

280
(m/l)
jdt.

06.07.2022
jb.

W.P.A. 1872 of 2021
(Malay Kr. Bej & Ors. vs. State of West Bengal & Ors.)

Mr. Mukteswar Maity
Mr. Prabir Rej
.... For the Petitioners

Mr. N. C. Behani
.... For the State

The dispute is over an unauthorised construction allegedly made on the bank of a pond belonging to the petitioners. According to the petitioners, such construction has obstructed petitioners' enjoyment of the pond and in the fishing activity. Records reveal that the petitioners filed representations before the Burdwan Municipality, Block Land and Land Reforms Officer, Inspector-in-charge, Burdwan Police Station, Assistant Director of Fisheries, Burdwan, the District Magistrate, Burdwan and the Minister in charge, Department of Land and Land Reforms, Government of West Bengal.

The petitioners allege that the police authorities have not acted in accordance with law, despite receiving such representation.

The allegations with regard to encroachment, and the prayer for removal of unauthorised construction cannot be decided in this proceeding.

It does not appear from the records that the petitioners had approached the Inspector in charge, Burdwan Police Station with a specific complaint. It is alleged that the petitioners were assaulted by the respondents.

Under such circumstances, the writ petition is disposed of without any order.

If the petitioners lodge any specific complaint before the concerned police station, the same shall be taken into consideration, strictly in accordance with law. On the issues with regard to title, encroachment and removal of unauthorised construction, the remedy of the petitioners would be before the appropriate forum.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)