

21.03.2022
Court No.13
Item No.10
sp

WPA 1708 of 2022

Jatindra Mahato
Vs.
The State of West Bengal and Ors.

(Through Video Conference)

Mr. Jahar Lal Roy,
Ms. Kabira Rani

... For the Petitioner.

Ms. Sutapa Sanyal,
Ms. Susnita Saha

... For the State/respondents.

Mr. Lalratan Mandal,
Mr. Dilip Kumar Sadhu

...for the respondent no.4

Affidavit of service filed in Court today is taken
on record.

The writ petitioner complains that his ingress
and egress into his land has been completely obstructed
by the private respondent no.4 and he is not able to
come out of his house.

The matter was listed given the urgency cited.

It appears from the report of the Salboni Police
Station dated February 15, 2022 that there is a long
standing land dispute between the petitioner and the
private respondent no.4. The private respondent no.4 is
stated to have constructed a boundary wall after
encroaching about three feet into the petitioner's land. A
severe altercation had ensued between the parties.

This Court sees absolutely no urgency in the matter since the parties have a remedy before a civil forum. The allegation of inaction on the part of the Salboni Police Station is utterly baseless. Police have no role to play in a purely civil dispute between the petitioner and the private respondent no.4.

The petitioner may approach the Civil Court with regard to his grievances against the private respondent no.4.

The boundary wall constructed by the private respondent shall abide by the outcome of any suit filed by the petitioner before the appropriate civil forum.

The submission of the writ petitioner that he is unable to exit his house, is utterly false and frivolous and this Court notes with anguish that it has been misled into listing the matter as 'specially fixed' on that basis.

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

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)