

S/L 178
30.6.2022
Court. No. 19
Sn

WPA 2285 of 2022

Gourhari Manna
Vs.
The State of West Bengal & Ors.

Sk. Mustak Ali ... for the petitioner

Mr. Jishnu Chowdhury
Mr. Sutanu Chakraborti ..for the State

Let the affidavit-of-service be taken on record.

The allegation of the petitioner is against the Officer-in-Charge, Chandipur Police Station. According to the petitioner, despite directions of the learned Sub-Divisional Executive Magistrate under Section 144(2) of the Code of Criminal Procedure, the police authorities have failed to prevent the respondent nos.7 to 11 from encroaching into the property of the petitioner and from raising an unauthorised construction.

The police authorities have filed a report, from which it appears that there is a dispute between the parties over their ancestral property.

The order of the learned Sub-Divisional Executive Magistrate dated December 19, 2021 was served upon the respondent nos.7 to 11. Both the parties were directed to maintain peace and tranquility. Prosecution under Section 107 of the Code

of Criminal Procedure was also submitted against the respondent nos. 7 to 11.

The dispute is civil in nature. The allegation of encroachment cannot be decided by the police authorities. The question of unauthorized construction has to be decided by the appropriate local authority.

Under such circumstances, this writ petition is disposed of with a direction upon the police authorities to maintain peace and tranquility.

The other aspects, which have been urged by the petitioner, shall be decided by the appropriate forum.

The allegation of inaction of the police authorities have not been substantiated.

The police report is taken on record.

This writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)