

30.06.2022
Sl. No.188
srm

W.P.A. No. 2438 of 2022

Basudev Naskar & Anr.

Versus

The State of West Bengal & Ors.

Mr. Santimay Bhattacharya,
Mr. Ziaul Haque

...for the Petitioners.

Mr. Ansar Mondal,
Mr. Sougata Mitra

...for the State-respondents.

Mr. Mukteswar Maity,
Md. Hasanuz Zaman

...for the Respondent Nos.9 to 13.

The petitioners allege that the respondent Nos.9 to 13 had constructed a drain over the land of the petitioners with the support of the Block Development Officer. The order of the Block Development Officer permitting such construction has been annexed to the writ petition and has been questioned.

Upon perusal of the pleadings in the writ petition, it appears that the dispute is with regard to the land of the petitioners and the consequent order passed by the Block Development Officer, Gosaba Development Block permitting the construction of a drain, over such land.

The police authorities had made an enquiry pursuant to the complaint filed by the petitioner No.2. On the basis of the complaint filed by the petitioner No.2 about damage to property, digging of a canal, cutting down trees and destruction of the fishes in the pond, an FIR was registered. Gosaba Police Station Case No.133 of 2021 dated August 4, 2021 under Sections 447/427/323/506/34 of the Indian Penal Code was started. Investigation was completed and a charge sheet bearing Gosaba PS Charge Sheet No.97 of 2021 dated August 31, 2021 has been filed. Subsequently, the respondent No.11 also lodged a complaint against the petitioners and Gosaba PS Case No.158 of 2021 was initiated. Charge sheet has been filed upon completion of the investigation. The police authorities are keeping a sharp vigil in the area. The police report is taken on record.

A prayer has been made for a direction upon the Officer-in-Charge, Gosaba Police Station, to render adequate police help for demarcation of the land. The prayer for demarcation of the land with police help cannot be allowed in this proceeding. Demarcation of the land is not within the domain of the police authorities.

Under such circumstances, this Court is of the view that the police authorities have taken adequate steps. Other issues, which have been raised, with regard to the orders of

the Block Development Officer, etc. are not be decided in this forum. The petitioners are at liberty to take appropriate steps before the appropriate court of law.

The writ petition is, thus, disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)