

30.06.2022
Court No. 19
Item no.192
CP

WPA No. 2957 of 2022

Barun Pal
Vs.
The State of West Bengal & ors.

Mr. Malay Bhattacharyya
Mr. Subhrajyoti Ghosh
....for the petitioner.

Mrs. Amrita Panja Moulick
Mr. Jishnu Chowdhury
....for the State.

Mr. Aniruddha Bhattacharyya
Ms. Rittika Ghosh
Mr. Uttam Mukherjee
....for the respondent no.6.

The petitioner alleges that the respondent no. 6 has been continuously disturbing the construction of the petitioner over Dag Nos. 1190 and 1191 of Mouza – Abdulpur.

The respondent no. 6 submits that under the garb of construction over Dag Nos. 1190 and 1191, the petitioner was encroaching into the land of the said respondent, situated at Dag No. 1192.

With such allegation, the respondent no. 6 approached the civil court by filing Title Suit No. 29 of 2022. The learned Civil Judge (Junior Division), Bishnupur passed an ad interim order of injunction restraining any constructions by encroachment on

the western side of Schedule 'A' property with a direction upon the defendant no. 1, not to dispossess the plaintiff from the 'A' Schedule property. Such ad interim order was extended from time to time. Schedule 'A' property has been described in the suit as Plot No. 1192, and has been classified as 'pukur', namely, 'Kanta pukur' having a total area of 0.16 acres.

The police report is taken on record. From the report it appears that an enquiry was made by the police authorities and the parties were directed to maintain peace and tranquility. The allegation that the police authorities in collusion with the respondent no. 6, had permitted such illegal encroachment and construction, has been denied. A sharp vigil shall be maintained in the area.

The police authorities shall ensure that no untoward incident takes place over the issue.

The police authorities will implement the order of ad interim injunction passed by the learned civil court with regard to Plot No. 1192.

This order shall not be construed as an observation on the legality of the construction of the petitioner.

The writ petition is disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)