

02.05.2022.
Court No.13
Item No. 26
ap

W.P.A. No. 3127 of 2022
Sri Manta Makhal
Versus
The State of West Bengal & Ors.

Mr. Nilanjan Adhikari.

...For the petitioner.

Mr. Amitesh Banerjee, Id. Sr. Standing Counsel,
Ms. Ipsita Banerjee.

...For the State.

Mr. Saumyajit Ghosal.

..For the respondent nos.8, 9 & 10.

Affidavit-of-service filed in Court today be taken
on record.

The writ petitioner is aggrieved that Liluah Police
Station has not taken any steps in constructing a
bamboo fencing, and that the private respondents
have entered upon his land and have burnt down his
house.

The petitioner has also applied for police
protection.

Counsel for the private respondents submits
that Title Suit No. 241 of 2022 is now pending before
the learned 6th Civil Judge (Junior Division) at
Howrah, filed by his clients against the writ petitioner,
in which injunction has been ordered by the Civil
Court.

Counsel for the State submits that proceedings
under Section 107 of the Code of Criminal Procedure

have already been under taken and the same shall be enforced strictly.

This Court is of the view that since demarcation of the petitioner's land is the subject matter of the writ petition, the police have absolutely no role to play in the matter.

It is, however, made clear that Liluah Police Station shall maintain strict vigil at the said area and ensure that there is no breach of peace in the said locale.

The parties may obtain appropriate orders for relief in the pending civil suit and/or any other appropriate civil forum that they may close.

With the aforesaid observations, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)