

25.04.2022
Court No.13
Item No.33
AP

WPA 3459 of 2022

**Susanta Kumar Manna and Anr.
Vs.
The State of West Bengal and Ors**

Mr. Ranjan Kali
Mr. Suraj Bhattacharjee
Ms. Nabanita Dutta

... For the Petitioners.

Ms. Chama Mookherji
Mr. Gourav Das

... For the State.

Mr. Abhisek Banerjee
Ms. Sanchita Banerjee

... For the Respondent No.4.

Mr. Shyamal Sanyal
Mr. S. Banerjee

... For the Respondent Nos.5 & 6.

The petitioner claims that the private respondents are obstructing ingress and egress into his own land.

The private respondents claim that a playground and a social club have been located in the said plot of land for well over 30 years.

The plot was admittedly owned by the petitioners' mother and has devolved on the petitioners and the private respondent Nos.5 and 6.

A complaint was lodged to the Belur Police Station and according to the petitioners the complaint has not resulted in any investigation.

Ms. Chama Mookherji, Ld. Advocate for the State submits that the petitioners have not been able to demonstrate the extent of area of their land. Belur Police Station is unable to determine as to whether there is any obstruction in fact to the petitioners' land. There are rival claims to the said plot of land or portion thereof. A report from the local BLLRO has been deemed necessary by the police.

Having heard Counsel for the parties, this Court is of the view that the petitioners and the private respondents should get the issue decided before an appropriate civil forum.

Counsel for the private respondents submits that a Civil Suit being TS 250 of 1979 was filed by the writ petitioners in respect of the said plot of land before the learned Civil Judge (Junior Division), Howrah. The said suit is stated to have been dismissed for default on 8th September 1981.

This Court does not wish to enter into the said controversy and directs the petitioners and the private respondents to have their respective rights in respect of the property adjudicated before an appropriate civil forum.

The Belur Police Station shall however ensure that there is no breach of peace in the area.

The petitioners and the private respondents also undertake before this Court to maintain peace and order.

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

There shall be no order as to costs.

The report in the form of instructions dated 7th March 2022 issued by the Officer-in-Charge, Belur Police Station, Howrah Police Commissionerate addressed to the learned Government Pleader is taken on record.

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

(Rajasekhar Mantha, J.)