

01.08.2022
Sl. No.335(ML)
srm

W.P.A. No. 3168 of 2020

Ranjan Das & Anr.

Versus

The State of West Bengal & Ors.

Mr. Debabrata Sardar,
Mr. M.K. Maity

...for the Petitioners.

Mr. Susovan Sengupta,
Mr. Srikanta Paul

...for the State-respondents.

Mr. Giasuddin Molla,
Mr. Soumitra Banerjee

...for the Respondent No.11.

The writ petition is disposed of with a direction upon the Officer-in-Charge, Nazat Police Station, District-North 24-Parganas, to ensure that the ad interim order of injunction, which has been passed in Title Suit No.26 of 2020 by the learned Civil Judge (Senior Division) at Basirhat, is complied with, in case the said ad interim order is still subsisting.

This order shall not be construed as an observation of the Court with regard to the violation of the order of injunction. Such allegation has to be raised by the petitioners before the learned civil court and be decided by the said court.

With regard to the allegation of the petitioners that the respondent No.11 had encroached the PWD Road, the police authorities do not have any role to play. The petitioners have already approached the Superintending Engineer, Southern High-Way Circle, P.W (Road) Department, i.e. the respondent No.2, praying for demolition of certain structures, by filing a representation dated February 11, 2020, which was received on February 13, 2020. The said representation shall be disposed of, in accordance with law, upon hearing all the respective parties.

Again, this order shall not be construed as an observation on the correctness of the allegations and statements made by the petitioners. The concerned authority shall decide the matter, independently and strictly in accordance with 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.)