

02.12.2022
Court No.13
Item No.42
AP

WPA 5011 of 2021
With
IA NO: CAN 1 of 2022 (Not found in the file)
Smt. Shibani Bhattacharya
Vs.
The State of West Bengal & Ors.

Mr. Animesh Paul

... For the Petitioner.

Mr. Ashim Kumar Ganguly
Mr. Bellal Shaikh

... For the State.

Mr. Udaynarayan Betal

... For the Respondent Nos.5 to 9.

In Re: CAN 1 of 2022

Sufficient grounds are available to explain the absence of the writ petitioner on 21.11.2022.

The order dated 21.11.2022 is recalled. The writ petition is hence restored to its original file and number.

Accordingly, CAN 1 of 2022 is allowed.

In Re.: WPA 5011 of 2021

The writ petitioner is aggrieved by the fact that notwithstanding orders of the SDO under Section 147 of the Cr.P.C. the private respondents with the assistance of Civic Volunteers constructed a wall on a disputed pathway.

Counsel for the private respondents submits that the writ petitioner has no right on the pathway much less any property in the vicinity. It is submitted that the wall has been constructed on the land belonging to the private respondents.

The disputes between the writ petitioner and the private respondents are purely civil in nature. The petitioner may approach Civil Court for seeking relief against the private respondents.

However, this Court is curious to ascertain as to how Civil Volunteers were present to enable the private respondents to construct the wall in question.

Let a copy of this order be made over to the Superintendent of Police, Basirhat Police District for causing an appropriate enquiry.

Baduria Police shall also ensure that there is no breach of peace in the area.

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

There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)