

13.07.2022
Court No. 19
Item no.389
CP

W.P.A. No. 4883 of 2022

Asarat Khan & anr.
Vs.
The State of West Bengal & ors.

Md. Ali Mansoor
...for the petitioners.

Mr. Subhabrata Datta
Mr. Banibrata Datta
...for the State.

Mr. Sounak Bhattacharya
Mr. Sounak Mandal
....for the respondent no. 7.

Affidavit of service is taken on record.

The writ petition has been filed for reliefs, which are not within the jurisdiction of this court. The petitioners have prayed for an order restraining the respondent no. 7 (a government aided school), from disturbing the petitioners' peaceful possession in respect of the certain lands. Further prayer has been made for a restraint upon the said respondent from illegally ousting the petitioners from the said lands.

The disputed lands are LR Dag Nos. 745/1203 and 745/1204. Both these plots were initially recorded as Dag No. 745, JL No. 72 of Mouza – Dhuri. The allegation is that the school authorities, specially the headmaster had tried to encroach upon

the area which is occupied by the petitioners in LR Dag Nos. 745/1203 and 745/1204.

Alleging such illegal encroachment and disturbance created by the respondent no. 7, the petitioners approached the Inspector-in-charge, Basanti Police Station, by filing a compliant.

The Inspector-in-charge, Basanti Police Station has filed a report. It appears that the enquiry was made by a Sub-Inspector. The Sub-Inspector of Police visited the spot and conducted an enquiry in the presence of both the parties. It was found that some portion of the original LR Dag No. 745 was gifted to the respondent no. 7 by the predecessor-in-interest of the petitioners, sometime in 1960. The school was built in 1961 and the area under the occupation of the school compound has been secured by a boundary wall. The activity of the school was restricted within the boundary wall. The police authorities have denied the allegation of encroachment and attempts at illegal eviction. The report reveals that once the school authorities tried to construct a kitchen for the purpose of cooking the mid-day meals. On the objection of the petitioners, such construction was stopped. No construction is going on. The police report is taken on record.

Under such circumstances, as at present the police authorities did not find any encroachment or

construction work, nothing remains to be decided in the writ petition. The remedy of the petitioners, if any, would be before the civil court.

The police authority shall keep a vigil and ensure that no untoward incident takes place. Parties must be directed to maintain law and order.

As no affidavit has been called for, allegations are deemed to have been denied.

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.)