

S/L 99
20.6.2022
Court. No. 19
sn

WPA 5851 of 2021

Anil Adak & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Suman Chattopadhyay ... for the petitioners

Mr. Amal Sen
Mr. Lal Mohan Bose ..for the State

The police report is taken on record. Report reveals that the petitioners and the some villagers used the passage over the land of the respondent nos.9 to 11. A report filed before the Block Land & Land Reforms Officer, Jamalpur also indicates that as the passage was used by the petitioners and the villagers for a long time, if a passage was allowed the matter could be settled amicably.

The police report also indicates that the police authorities have filed a prosecution under Section 107/116(C) of the Code of Criminal Procedure.

The dispute with regard to passage over Dag No. 859, J.L. No. 108 , Mouza Dastanpur is admitted by the police authorities. The respondent nos. 9 to 11 had blocked the pathway by bamboo fences.

Under such circumstances, having found the disputes was civil in nature, the police authorities advised the complainant to file a civil suit.

This Court sitting under this jurisdiction cannot permit the police authorities to remove the bamboo

fence erected by the respondent nos. 9 to 11 on their own land, especially because the right of easement has to be decided by the appropriate civil court.

However, the police authorities shall make an effort and see that the matter can be settled amicably with the interference of the Block Land & Land Reforms Officer, Jamalpur, if the petitioners approach the police authorities, for such settlement.

This order shall not have any impact on any other reliefs, the parties are entitled before the learned civil court.

Accordingly, this writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)