

S/L 55
16.06.2022
Court. No. 19
GB

WPA 5429 of 2022

The OAS Realtors Private Limited & Anr.
VS
The State of West Bengal & Ors.

Mr. Tapas Kumar Mondal.

...for the Petitioners.

*Mr. Asish Kumar Guha,
Mr. Naren Ghosh Dastidar.*

...for the State.

The petitioners submit that the Inspector-in-Charge, Bishnupur Police Station has failed and neglected to take steps to remove the encroachment on NH-117, over Plot Nos.83 and 84 of Mouza-Udayrampur, J.L. No.74.

Reliance has been placed on a communication by the Assistant Engineer, Kolkata National Highway Sub-Division to the Sub-Divisional Officer, Alipore Sadar in order to substantiate that despite there being a request for deployment of police force, such deployment was not made and the encroachment continued. Allegation of police inaction has been made.

The police authorities have filed a report prepared by the Inspector-in-Charge, Bishnupur Police Station. According to the said report, no request or direction for deployment of force was received by the concerned police station from the Sub-Divisional Officer. Hence, steps have not been taken by the police authorities.

This is case of removal of encroachment from NH-117. From the communication of the Assistant Engineer to the Sub-Divisional Officer, it is clear that the Sub-Divisional Officer was requested for deployment of adequate police

force for the purpose of demolition/removal of the unauthorized occupation.

Under such circumstances, unless the police is directed by the appropriate authority to deploy adequate police force for the purpose of removal of the encroachers on a given date and at a given time, this Court finds that complaint of inaction against the police authorities cannot be sustained. If the petitioners are aggrieved by the inaction of the Sub-Divisional Officer, the remedy of the petitioners would be to approach the said officer, in accordance with law.

Accordingly, the 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.)