

20.07.2022  
Court No. 19  
Item no.10  
sn

W.P.A. No. 5906 of 2022

Barun Mondal  
Vs.  
The State of West Bengal & ors.

Mr. S.P. Lahiri  
Mr. Abdus Salam  
Ms. Diksha Ghosh  
Mr. Rajesh Naskar                      ...for the petitioner.

Mr. Soumya Sengupta  
Mr. Saiket Chatterjee                      ..for the State

Perused the police report. It appears that a small tea shop with a thatched hut has been constructed in the vicinity of the land of the petitioner. It also appears that the respondent no.5 has used the land purchased by the petitioner, for grazing his cattle.

The enquiry of the police reveals that the respondent nos. 4&5 and the husband of the respondent no.5 were asked by the petitioner to remove the stall, but they refused to do so. An altercation took place.

The petitioner had approached the learned Sub-Divisional Executive Magistrate for necessary orders, but it is alleged that the said proceedings has lost its force due to lapse of time. It is further alleged that neither the police authorities nor the Block Land & Land Reforms Officer, had taken any steps.

The police authorities anticipating breach of peace initiated a proceeding under Section 107 of the Code of Criminal Procedure, against one Pranab Maity.

It is submitted by Mr. Chatterjee, learned advocate for the police authorities that the area over which the petitioner has claimed right, title and interest, has not been demarcated and it was not possible for the police authorities to ascertain whether the tea stall had been installed within the petitioner's land or not. The issue cannot be decided by the police.

However, the police authorities will keep a strict vigil, in order to ensure that the petitioner is neither disturbed nor threatened in any way.

The petitioner must approach the appropriate forum with the allegation of encroachment and for further reliefs. The petitioner must also request the concerned Block Land & Land Reforms Officer for demarcation of his land as per purchase deeds, in order to avoid future problems.

This writ petition is disposed of.

There will be, however, no order as to costs.

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

**(Shampa Sarkar, J.)**