

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 6684 of 2022

Amina Molla
Vs.
The State of West Bengal & Ors.

Mr. Sandipan Pal
... for the petitioner

Mr. Santanu Kumar Mitra,
Mr. Subhabrata Das
...for the State

Mr. Bipin Baidya
...for the respondent nos. 8 to 11

Learned counsel appearing for the petitioner argues that despite the petitioner having given several representations to the Assistant Engineer (Road), P.W.D., Baruipur Sub Division as well as the Officer-in-Charge, Bakultala Police Station, no steps have been taken with regard to the encroachment by the private respondent nos. 8 to 11 on a public land.

It is submitted that by virtue of such encroachment and unauthorized construction, the said private respondents are blocking the access of the petitioner to the petitioner's own property.

Learned counsel appearing for the State points out that the petitioner obtained an order from the Civil Court against the private respondents.

Learned counsel appearing for the State submits a police report, which may be kept on record, indicating that a complaint has already been lodged and steps are taken for initiation of investigation, on the basis of the written complaint of the writ petitioner in respect of the alleged unauthorized construction being made by the private respondent.

Learned counsel appearing for the private respondents squarely denies the allegation and submits that the private respondents are lawfully entitled to the land-in-question and there does not arise any question of unauthorized occupation or construction.

It is evident from the materials-on-record that the petitioner obtained an order of implementation of injunction from a competent civil court on July 13, 2021 in Title Suit No. 314 of 2020.

By the said order, the Civil Judge (Junior Division), Third Court, Baruipur, District-South 24-Parganass, granted the petitioner's prayer for police help and directed the Officer-in-Charge, Bakultala Police Station to implement the ad interim injunction order passed in the said suit.

However, the grievance of the present petitioner is squarely against the police-authorities for not complying with the direction of the Civil Court.

Yet, from the communication made by the petitioner to the police-authorities, as annexed at page 27 of the writ petition, it does not appear that the petitioner made any whisper about the suit and/or the order of police help passed by the civil court.

Hence, the police cannot be castigated at the present moment for not implementing the order of the civil Court. Moreover, the police-authorities had also taken steps on the complaint of the petitioner.

Be that as it may, the petitioner always has the liberty to communicate the order of police help granted by the civil court on July 13, 2021 in Title Suit No. 314 of 2020. If so communicated, the police authorities, that is, the Officer-in-Charge, Bakultala Police Station, shall take due steps to implement the same.

However, there is no scope for interference in the present writ petition. It is made clear that the respective contentions of the parties in respect of the disputed property have not been gone into on merits by this Court and it will be open to the civil Court to decide the issues in accordance with law without being influenced in any manner by any of the observations made herein.

W.P.A. No. 6684 of 2022 is disposed of in the light of the above observations.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)