

S/L 40  
15.6. 2022  
Court. No. 19  
sn

WPA 7075 of 2022

Ganesh Chandra Biswas  
Vs.  
The State of West Bengal & Ors.

*Mr. Monoranjana Jana*  
*Ms. Mitali Jana* ... for the Petitioner

*Sk. Md. Galib*  
*Mr. Gourav Das* ... for the State

The petitioner prays for a direction upon the Superintendent of Police, Sundarban Police District to post a police officer on the land of the petitioner and permit the petitioner to construct a fencing on plot no. 3868, of Mouza Kalinagar, situated within Hardwood Point Coastal Police Station. The allegation is that the panchayat authorities had started constructing a concrete road through the land of the petitioner. In order to prevent rickshaws, motor cycle and other vehicles from plying on the said road, a fencing was required around the land of the petitioner.

The petitioner also relies on an order of this Court, in order to assert that the panchayat authorities had been debarred by this Court from forcefully taking away the land of the petitioner and the matter was directed to be decided by the District Magistrate.

Md. Galib, learned advocate appearing for the State respondents submits that on the complaint of

the petitioner, Hardwood Point Coastal P.S. Case no. 52 of 2022 dated February 20, 2022 under Section 447/323/325/379/506/34 of the Indian Penal Code was started against one Parimal Sikdar and nine others. The said proceeding culminated in the filing of a charge sheet. Another FIR being Hardwood Point Coastal P.S. Case no. 99 of 2022 dated March 29, 2022 under Section 341/323/ 325/ 379/ 506/34 of the Indian Penal Code has been started against the petitioner and 11 others. The investigation is in process. According to the police authorities, the Pradhan had intimated the police that the road situated beside the house of the petitioner, was a village road.

The dispute with regard to the alleged pathway is pending a decision of the District Magistrate. The petitioner has not been able to satisfy the Court that the District Magistrate had passed an order indicating that the petitioner's allegations were correct and the panchayat authorities had wrongly taken away a part of the land of the petitioner.

It is not within the jurisdiction of this Court to decide whether the petitioner is entitled to put a fence around his land or not. The petitioner can always construct a fence around his land if the petitioner has clear right, title and interest. Orders from this Court and support of the police would not be required for

such purpose. However, if there are disputes with regard to ownership, possession etc. the remedy of the petitioner would be before the civil court.

The police report is taken on record.

Accordingly, this writ petition is disposed of without any orders, as prayed for.

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.)**