

14.07.2022
Court No. 19
Item no.426
CP

W.P.A. No. 7442 of 2022

Kajal Ghosh & anr.
Vs.
The State of West Bengal & ors.

Ms. Papiya Chattopadhyay

...for the petitioners.

Mr. Himadri Sekhar Chakrobarty
Ms. Susnita Saha

.....for the State.

Mr. Achintya Kr. Banerjee
Ms. Indumouli Banerjee

...for the respondent no. 7.

Perused the police report. The same is taken on record.

The petitioners allege that the respondent no. 7 had threatened the petitioners with dire consequences and had cut down valuable trees from the land of the petitioners. It is also alleged that certain portions of the lands of the petitioners had been encroached.

Mr. Banerjee, learned advocate appears on behalf of the respondent no. 7. He submits that the respondent no. 7 is the Sub-Assistant Engineer of Ranaghat Municipality. That the land with regard to which the dispute has been raised, belongs to the government. The same was developed into a park by

the Ranaghat Municipality. He further submits that the said land is under the control of the Ranaghat Municipality. The respondent no. 7, did not do anything privately. All his actions were authorized by the Ranaghat Municipality.

Mr. Chakraborty, learned advocate appearing on behalf of the police authorities, has filed a report, prepared by the Inspector-in-Charge, Ranaghat Police Station. The said report is taken on record.

As per the police report, the land in question, is a government land on which the Ranaghat Municipality has constructed a park. It also appears that a civil suit has been filed by the petitioners for declaration and injunction, with regard to the alleged encroachment.

Having considered the rival contentions, this court is of the view that the issues with regard to the alleged encroachment, demolition of the boundary wall etc. shall be decided in the civil suit.

However, the police authorities will maintain a vigil in order to ensure that the petitioners are not harmed in any way.

A copy of the police report be handed over to the learned advocates for the respective parties.

The writ petition is disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)