

S/L 54
15.06.2022
Court. No. 19
GB

WPA 7745 of 2022

Smt. Krishna Thapa & Ors.
VS
The State of West Bengal & Ors.

Mr. Swagata Datta.

...for the Petitioners.

*Mr. Pantu Deb Roy,
Mr. Subrata Guha Biswas.*

...for the State.

Mr. Srikanta Paul.

...for the Respondents.

Affidavit-of-service filed in Court today, be kept with the record.

Allegation of encroachment by the respondent nos. 11 and 12 over the land of the petitioner has been made.

The petitioners pray for implementation of the order of the learned Sub-Divisional Executive Magistrate. Such prayer cannot be allowed as the order has lost its force due to efflux of time.

The police report is taken on record, from which it appears that the respondent nos.11 and 12 have constructed a boundary wall exclusively within the property of the said respondents.

Beyond this observation of the police authorities, neither this Court nor the police authorities can go further for adjudicating the actual state of affairs with regard to the right, title and possession in respect of the property in question.

If the petitioners are aggrieved by any encroachment, which may have been caused by the respondent nos.11 and

12, they are at liberty to approach the learned civil court. The police authorities cannot be directed to take cognizance of the complaints, which have been lodged by the petitioners with regard to the allegations, insofar as, the construction of the respondent nos.11 and 12 and the allegation of encroachment is concerned.

The police authorities shall maintain peace in the area.

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.)