

02-02-2022
ct no. 13
Sl.16
sp

WPA 9898 of 2021

Amanat Mullick

-Versus-

The State of West Bengal & Ors.
(Via Video Conference)

**Mr. Rafiqul Islam,
Mr. Mukteswar Maity,
Ms. Manika Sarkar**

.... For the petitioner

**Mr. Raja Saha,
Mr. Amit Kr. Ghosh**

..for the State

The writ petitioner claims that the private respondents are preventing construction on a property belonging to him.

It is submitted that the petitioner has obtained a loan under the *Pradhan Mantri Awas Yojana*. For the obstruction by the private respondents, the petitioner has not been able to complete construction and has been notified as to why the said loan should not be recalled.

Mr. Raja Saha, learned counsel appearing for the State submits that the land is jointly owned by the petitioner and the private respondents/brothers and It has not been demarcated. Hence, there is no way of

ascertaining as to who owns which part of the land.

On the complaint received from the petitioner against the private respondents, proceedings under Section 107 of the Cr. P.C. have been drawn up. Proceedings under Section 144 (2) of the Cr. P.C. have been taken out and appropriate reports have been submitted to the concerned Magistrate.

This Court is of the view that the remedy of the petitioner is before a civil Court in respect of the property in question, i.e. to obtain demarcation and/or partition.

The police have no role to play to assisting the petitioner to effect construction on the property.

However, it is ordered that the Officer-in-Charge, Dhubulia Police Station shall ensure that there is no breach of peace in that area and shall continue to maintain regular vigil thereat. It is clarified that the police shall not in any way intervene in the civil dispute between the parties.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)