

28.09.2022.
Court No.13
Item No. 8
ap

W.P.A. No. 8766 of 2022
Firoja Bewa & Anr.
Versus
The State of West Bengal & Ors.

Mr. Satyajit Mandal,
Mr. Shouvik Naskar.

...For the petitioners.

Mr. Santanu Kumar Mitra,
Ms. Jyotsna Roy Mukherjee.

...For the State.

Mr. Lakshminath Bhattacharya.

...For the respondent nos.6 to 23.

Affidavit-of-service filed in Court today be taken
on record.

The petitioners are aggrieved that the
respondents are restraining construction over his
portion of land.

Counsel for the private respondents submits
that the land in question is not demarcated and there
are several claimants to the said property. He further
submits that there is a civil suit filed by the private
respondents being Title Suit No. 306 of 2012 before
the learned Civil Judge (Senior Division) Diamond
Harbour in respect of the property and there is an
injunction ordered against changing the nature and
character of the same.

In the above facts and circumstances, the
change of character of the property from Sali to Bastu

and the sanctioned plan for construction of the building could not have been obtained by the petitioner.

The parties may agitate their civil disputes in the pending suit or in any other civil proceedings and obtain proper demarcation of their respective lands.

It appears from the records that proceedings have been ordered by the Executive Magistrate, Kakdwip at the instance of the parties.

In those circumstances, Inspector-in-charge, Dholahat Police Station shall ensure that there is no breach of peace in the area and the parties shall strictly comply with the orders passed by the Civil Court.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)