

8.7.2022
Court No. 19
Item no.7
sn

WPA No. 10561 of 2022

Safiqul Islam
Vs.
The State of West Bengal & ors.

Mr. Golam Rure Imrohi
Mr. S. Bhattacharyyafor the petitioner

Mr. Ansar Mondal
Mr. Sougata Mitra ..for the State

Mr. Ujjal Roy
Mr. Soumen Mukherjee ..for the respdts.8&9

The petitioner alleges inaction on the part of the Officer-in-Charge, Sagarpara Police Station.

According to the petitioner, a complaint was lodged by the petitioner against the respondent nos. 8&9. The complaint was not considered by the police authorities. The complaint was with regard to encroachment and unauthorized constructions.

Mr. Roy, learned advocate for the respondent nos. 8&9 submits that the petitioner purchased one decimal of land situated on a plot adjacent to the residential accommodation of the respondent nos. 8&9. The allegation of encroachment was baseless as the house of the respondent nos. 8&9 were in existence for the past 65 years. The petitioner purchased the land some time in 2021 and the question of encroachment did not arise.

The police authorities have filed a report, from which it appears that the petitioner had purchased one decimal of land on August 12, 2021. On the complaint filed by the petitioner, the police authorities visited the locale and a prosecution under Section 116(3) and 107 of the Code of Criminal Procedure was submitted against the respondent nos. 8&9. From the police report, the actual position of the land and title of the persons are not clear. There also seems to be a dispute over a shop room over the disputed land.

Neither this Court nor the police authority is in a position to decide the allegation of encroachment, possession and title. The remedy of the petitioner would be before the leaned civil court.

The police authorities are however duty bound to ensure that the law and order is maintained and the respondent nos. 8&9 do not commit any nuisance or damage to the property of the petitioner.

Under such circumstances, the police authorities shall ensure that no untoward incident takes place, over the land dispute.

This writ petition is disposed of.

There will be, however, 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.)