

29.06.2022
Sl. No.37
srm

W.P.A. No. 10574 of 2022

Abdul Chhamat Molla alias Chhamat Sarkar & Anr.

Versus

State of West Bengal & Ors.

Mr. Partha Chakraborty,
Ms. Sharmistha China

...for the Petitioners.

Mr. Sudipto Panda,
Ms. Munmun Tewary

...for the State-respondents.

Despite service, none appears on behalf of the respondent No.4. Affidavit-of-service is taken on record.

The disputes between the parties are civil in nature. The allegation is that one of the co-sharers, i.e., the respondent No.4 has been trying to take forcible possession of the portion of the land occupied by the petitioner. Such dispute cannot be resolved in the writ petition. The police authorities cannot be directed to demolish the boundary wall or to remove the articles, allegedly lying on the land of the petitioners.

The police authorities have already enquired into the matter and the prosecution under Section 107 of the Code of Criminal Procedure has been submitted against the respondent No.4. The police authorities shall continue to maintain a vigil in order to ensure that the dispute do not escalate to such a level

that the security and safety of the parties are compromised.

This order shall not prevent the authorities from taking appropriate steps, in case any untoward incident takes place.

The writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)