

02-09-2022

ct no. 13

Sl. 46

sp

WPA 11286 of 2022

Sri Subir Majhi & Ors.

-Versus-

The State of West Bengal & Ors.

Mr. Joytosh Majumder,
Mr. Sougata Mitra,
Mr. Rameswar Sinha,
Ms. Jahanara Begum,
Ms. Ankita Dey

....for the petitioners

Mr. Ansar Mondal,
Ms. Srilekha Bhattacharyya

...for the State

Affidavit of service filed in Court today is
taken on record.

Despite service, the private respondents
are not represented.

The petitioner no.1 claims that the private
respondents are preventing him from
constructing a boundary wall on his premises.

The petitioner no.1 has lodged a
complaint with the Balarampur Police Station,
Purulia which has resulted in a charge sheet
being No. 43 of 2022 dated April 13, 2022 under
Sections 447/341/323/427 and 34 of the
Indian Penal Code.

In those circumstances, this Court is of the view that the petitioner is entitled to peaceful enjoyment of his own property. He is entitled to effect construction thereat.

In the event, there is any apprehension on the part of the petitioner that there is likely to be disturbance in such enjoyment of property, he shall apply before the Balarampur Police Station, Purulia and deposit necessary costs for police protection. Upon deposit of such costs, the police shall deploy appropriate police personnel to ensure the petitioner is able to enjoy his property.

However, if there is a dispute with regard to the petitioner's title to the property by any party, a civil proceeding may be instituted in accordance with law and the deployment of police force shall abide by any order in such proceeding.

Instructions of the Balarampur Police Station, Purulia, submitted to the S.P., Purulia, dated July 5, 2022, is kept with the record.

With the aforesaid observations, the writ petition shall stand 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.)