

S/L 116(ML)
12.07.2022
Court. No. 19
GB

WPA 11564 of 2022

Akibul Laskar
VS
The State of West Bengal & Ors.

Mr. Debabrata Sardar.

...for the Petitioner.

Mr. Anjan Dutta.

...for the State.

The petitioner alleges that the respondent nos.5 to 7 have been raising an unauthorized construction by encroaching the petitioner's land. A proceeding under Section 144(2) of the Code of Criminal Procedure was initiated.

It appears that the learned Executive Magistrate had already directed the police authorities to ensure that breach of peace does not take place and also to keep a vigil, so that no illegal activity can be committed by the opposite party therein. The learned Executive Magistrate directed that a copy of the complaint be sent to the Block Land and Land Reforms Officer, Kultali for an enquiry and a report with regard to the status of the land as per the Record of Rights as also the status of possession of the land.

This Court cannot pass any further order for execution of the order already passed by the learned Sub-Divisional Executive Magistrate.

The allegation appears to be of unauthorized construction and encroachment. It is not before this Court, whether the petitioner approached either the permission granting authority or any other authority with regard to the

alleged construction. This is not a matter, which the police can entertain and take steps. At this stage, the police authorities are only required to ensure compliance of the order of the learned Executive Magistrate.

Under such circumstances, the writ petition is disposed of without any orders.

However, there will be 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.)