

15.07.2022
Court No. 19
Item no.122
CP

W.P.A. No. 11643 of 2022

Hazi Shamsheer Rahman Zamadar
Vs.
The State of West Bengal & ors.

Mr. Abhishek Halder
Mr. Swadesh Misra
...for the petitioner.

Ms. Sonal Sinha
Mr. Avishek Prasad
...for the State.

In an earlier writ petition, a similar prayer was made by the petitioner before this court. Upon hearing the parties, this court was of the view that the dispute between the petitioner and some other private persons in the locality, was over title. The petitioner was granted liberty to approach the civil court.

Today, the petitioner prays for an order of police picket in and around the area over which the petitioner wants to construct a house pursuant to the permission granted by the panchayat authorities.

It is alleged by Mr. Halder, learned advocate appearing on behalf of the petitioner, that the fact that the construction was permitted by the panchayat authorities, would itself prove that the petitioner had right, title and interest in respect of the land in question. He further submits that some

persons in the locality were obstructing the petitioner from even measuring his land, for the purpose of raising the construction.

The police report is taken on record. It appears that the local people had raised objections with regard to the petitioner's enjoyment of the land. They were against any kind of construction proposed to be raised on the said land.

Be that as it may, as the petitioner has annexed records of ownership, this court is of the view that the police authorities must ensure that peace and tranquility is maintained and the property of the petitioner is protected. The petitioner has the liberty to approach the civil court and pray for orders of restraint, which the writ court cannot grant. The dispute is civil in nature.

Law and order shall be maintained and any kind of unlawful activity must be prevented by the police authorities.

The writ petition is disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)