

16.8.2022
Sl.No.411
sn

WPA 13893 of 2021

**Sarvanu Khatun & Ors.
Versus
The State of West Bengal & Ors.**

**Mr. Golam Mastafa
Mr. Samirul Sardar ...for the petitioner**

**Mr. Samrat Sen
Ms. Manali Ali ..for the State**

**Md. Sarwar Jahan
Mr. Anisur Rahaman
Mr. Maidul Islam Kayal ..for the respdt.4&5**

**Mr. Robiul Islam
Mr. Raju Mondal ..for the respdt.6**

The petitioner alleges police inaction.

It is the specific contention of the petitioner that the respondent nos. 4 to 6 have been trying to grab the property of the petitioners. It is also alleged that when the petitioners started to raise the construction of their residential house, the said respondents obstructed the construction, attacked the petitioners and also threatened to kill them. The petitioners claim to be the absolute owners of 10 decimals of land in plot no. 1338 of mouza Aminabad.

The petitioners claim to have become owners on the basis of three registered deeds. A complaint was filed before the Inspector-in-Charge, Domkol Police Station, on August 13, 2021.

It also appears from the pleadings itself, that a civil suit is pending before the learned Civil Judge, Senior Division, Berhampore being T.S. No.345 of 2020. It has also been pleaded in the writ petition that there is an order of status quo. The petitioners have stated that in spite of the order of status quo, some unlawful construction had been made by the respondent no.4.

The learned advocate for the respondent nos. 4&5 submits that they are co-sharers and recorded owners of the concerned plot. That the areas purchased by the petitioners and other co-sharers have not been demarcated. That the petitioners have not been able to show that they had obtained permission from the concerned authority for raising any construction.

The learned advocate for the respondent no.6 draws the attention of this Court to the fact that a civil suit is pending and there is an order of status quo. It is his specific contention that the petitioners cannot start construction without any permission from the competent authority and during the subsistence of the order of status quo.

Mr. Sen, learned Assistant Additional Advocate General submits that the petitioners have been filing complaints before the police station as an yearly affair. Last of such complaint was filed on August

13, 2021. The petitioners have not been able to demonstrate whether any unlawful activity as alleged, had been committed by any party thereafter.

Having considered the disputes, this Court is of the view that the police authorities do not have any role to play. It is for the petitioner to obtain appropriate orders from the competent authority in order to raise the alleged construction. Moreover, there is an order of status quo in the pending suit. The co-shares have objected to the construction, in the absence of a permission from the authority and also because the respective areas have not been demarcated. However, as it is a fact that the petitioners are also the recorded co-sharers, their possession cannot be disturbed. The police authorities shall keep a vigil and ensure that there is no law and order problem. Peace shall be maintained.

The writ petition is 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.)