

4.8.2022
Sl.No.58
sn

W.P.A. No. 13108 of 2022

Bina Kundu

Versus

The State of West Bengal & Ors.

Mr. Mahammad Mahmud
Mr. M.S. Molla
Mr. Biswajit Bhattacharya
... for the Petitioner.

Mr. K.M.Hossain
Mr. Syed Mosihar Rahaman
...for the State-respondents.

Mr. Kashinath Roy
Ms. Sikta Roy ..for the respdts.6-10

The petitioner alleges inaction on the part of the Officer-In-Charge, Mogra Police Station. According to the petitioner, complaints have been lodged several times before the said police station as also before the Superintendent of Police, Hooghly Rural alleging that the respondents, who are the members of a club, had been continuously disturbing the petitioner late at night and were interfering with the repairing work, of her premises.

The petitioner submits that at a particular point of time, the club members encroached upon the PWD land in front of the house of the petitioner. Such encroachment was removed by an order of this Court. It is also submitted that once again the club members were trying to encroach upon the PWD land. The club members also created a lot of

problems which in turn, disturbed the peaceful enjoyment of the petitioner in respect of the property in question.

The learned advocate for the respondent nos. 7 to 10 submits that no unauthorised construction was made on the PWD land and the petitioner had never been disturbed.

Learned advocate for the State respondents has submitted a report, from which it appears that the house of the petitioner and the club are adjacent to each other. The enquiry was made on the basis of the complaint of the petitioner. Apprehending breach of peace, prosecution under Section 107 and 116(C) of the Code of Criminal Procedure was submitted against both the parties. The police enquiry reveals that both the parties had been trying to take possession of the vacant PWD land. The disputes arose thereafter.

The police authorities shall keep a strict vigil, in order to ensure that the PWD land is not further encroached by either party. Both the parties shall maintain peace and tranquility.

The activities of the club members should not go beyond late hours. The club members should not indulge in such activities which would result in the commission of nuisance. The police authorities shall ensure discipline and peace in the locality.

Since no affidavit-in-opposition has been called for, the allegations made in this writ petition against the respondents are deemed to be denied.

This 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.)