

05.08.2022
Court No.19
Monthly List
Item No.72
AP

WPA 13310 of 2022

**Mainuddin Biswas
Vs.
The State of West Bengal and Ors.**

Mr. Maidul Islam Kayal
Mr. Anisur Rahaman
Mr. Sumit Naskar

... For the Petitioner.

Mr. Sadhan Haldar
Mr. Benazir Ahmed

... For the State.

Mr. Md. Mansoor Alam

... For the Respondent Nos.8 to 10.

Prayer of the petitioner for protection of the police authorities at the time of erection of a bamboo fencing on LR Plot No.43, LR Khatian No.266, JL No.66 under Mouza Khidirpara, cannot be permitted as admittedly the petitioner and the respondent Nos.8 to 10 are co-sharers in respect of the said plot.

Learned counsel for the petitioner submits that the respondent Nos.8 to 10 had been disturbing the petitioner when he tried to secure his portion by erecting a temporary bamboo fencing. Accordingly, a complaint was lodged before the police authorities.

Learned counsel for the respondent Nos.8 to 10 submits that the petitioner was trying to encroach upon the area which had been specifically purchased by the respondent Nos.8 to 10, in the same plot.

Counsel for the State has produced a report dated 3rd August 2022 prepared by the Inspector-in-Charge, Domkal Police Station, Murshidabad Police District and the same is taken on record.

It appears from the report that on the apprehension of breach of peace, prosecution was submitted against both the parties. The dispute was found to be over enjoyment of LR Plot No.43, LR Khatian No.266, JL No.66 under Mouza Khidirpara. The altercation between the parties took place over possession of the said land.

Under such circumstances, when there are allegations of encroachment and a boundary dispute exists, prayer for police protection while constructing the fence cannot be allowed in favour of the petitioner. The parties must first get their respective portions demarcated by the competent authority on the basis of their deeds.

With the aforesaid observations, the writ petition is 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.

(Shampa Sarkar, J.)