

10.08.2022
Court No. 19
Item no.83 (ML)
CP

W.P.A. No. 13580 of 2022

Kartik Guria
Vs.
The State of West Bengal & ors.

Mr. Biswaranjan Bhakat
...for the petitioner.

Mr. Anit Kumar Das
Mrs. Rupsha Chakraborty
...for the State.

Mr. Soumik Ganguli
Mr. Ritam Chowdhury
Mr. Sudipta Pramanik
....for the respondent nos. 5 to 8.

The petitioner's entry to his house through the government land shall not be disturbed by any party. The police authorities of Nandakumar Police Station shall ensure the same.

It appears that on the basis of the petitioner's complaint, prosecution under Section 107 of the Cr.P.C. has already been submitted. It appears that the respondent nos. 5 to 8 had constructed a thatched house in front of the house of the petitioner allegedly covering a portion of the PWD land. However the police report indicates that a 8 ft. wide passage still exists. The police report is taken on record.

The ingress and egress of the petitioner through the 8 ft. wide passage shall not be disturbed by anyone.

With regard to the construction on PWD land, the police authorities do not have a role to play. It is for the appropriate authority to act and proceed under the applicable law. The remedy of the petitioner before the appropriate authority is kept open.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)