

16.11.2022.
Court No.13
Item No. 288
ap

W.P.A. No. 14840 of 2021
Amal Chakraborty
Versus
The State of West Bengal & Ors.

Mr. Manoranjan Jana,
Ms. Mitali Jana.

...For the petitioner.

Mr. Amal Kumar Sen, AGP
Mr. Sanatan Panja.

..For the State.

Affidavit-of-service filed in Court today be taken
on record.

The petitioner complains that the private
respondents are encroaching upon his land and
effecting illegal construction.

Counsel for the petitioner submits that his client
has approached the Executive Magistrate under
Section 144 of the Code of Criminal Procedure.

The Magistrate has ordered Nandakumar Police
Station to ensure that there is no breach of peace in
the area.

The Executive Magistrate appears to have
directed BL & LRO, Nandakumar, Purba Medinipore to
take steps for measurement.

This Court is of the view that the BL & LRO,
Nandakumar, Purba Medinipore is required to act in
accordance with law only upon a direction of a Civil
Court or statutory authority and not necessarily the
Executive Magistrate.

In those circumstances, the petitioner may approach a Civil Court for redress of grievances against the private respondents.

Nandakumar Police Station shall, however, ensure that there is absolutely no breach of peace in the area.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)