

18.08.2022
Sl. No.148(ML)
srm

W.P.A. No. 14683 of 2022

Indralal Pramanik

Versus

The State of West Bengal & Ors.

Mr. Gouranga Kumar Das

...for the Petitioner.

Mr. Amal Kumar Sen,

Mr. Lal Mohan Basu

...for the State-respondents.

Mr. Surya Prasad Chattopadhyay,

Mr. Ankit Chatterjee

...for the Respondent No.9.

Affidavit-of-service is taken on record.

The petitioner alleges police inaction. It is alleged that despite having filed a complaint before the Officer-in-Charge, Frezerganj Coastal Police Station, no steps have yet been taken by the said police authorities.

The petitioner relies on a complaint dated June 13, 2022 filed before the concerned Officer-in-Charge. From the complaint, it appears that the petitioner was aggrieved because the respondent No.9 purchased 25 decimals of land from Anuwara Bibi, the respondent No.10, wife of Abed Sk., although the respondent No.10 executed an agreement for sale with the petitioner. The petitioner was aggrieved by such transfer, which was

allegedly done during the existence of the alleged agreement for sale between the petitioner and the respondent No.10. In the complaint, the police authorities were requested to take steps for demolition of the alleged illegal construction raised by Rajesh Kshetry, the respondent No.9, as the land continued to be '*sali*'. It appears that the petitioner has also approached the Pradhan of Mousumi Gram Panchayat and the Block Land and Land Reforms Officer, Namkhana with regard to the allegations of construction on a '*sali*' land.

This Court is of the view that the allegation of the petitioner that during the subsistence of the agreement between the petitioner and the respondent No.10, the respondent No.9 had purchased the land, is not a matter to be adjudicated either by the writ court or by the police authorities. Moreover, the allegation of illegal construction shall be decided by the concerned Pradhan in accordance with law and the allegation of illegal construction without conversion of '*sali*' land shall be looked into by the concerned Block Land and Land Reforms Officer. It is for the Block Land and Land Reforms Officer to take necessary steps in accordance with law upon hearing all the parties. Such issue cannot be decided by the police authorities. The police

authorities shall maintain peace and await further order from the competent authority with regard to the allegation of illegal conversion of the land.

As no affidavit-in-opposition has been called for, the allegations against the respondent Nos.9 to 11 made in the writ petition are deemed to be denied.

The parties are at liberty to approach the appropriate fora and the appropriate courts of law for adjudication of the disputes.

The writ petition is, thus, 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.)