

156. 18.08.2022
(ML) Ct. No.19
Tanmoy

W.P.A. 14823 of 2022

**Subhas Majumdar @ Subhas Balo Majumdar
-Versus-
The State of West Bengal & Ors.**

Mr. Himadri Kumar Mahato, Adv.,
Mrs. Shika P. Chowdhury, Adv.

...for the petitioner.

Mr. Sutanu Chakrabarti, Adv.

...for the State respondents.

Affidavit of service is taken on record.

The petitioner prays that the police authorities must be directed to ensure restoration of peaceful possession of the petitioner in respect of plot nos. 5150 and 5122 measuring a total area of 23 decimals in Mouza Raiganj, J.L. No. 150, on the basis of the decree of the civil court.

Records reveal that the decree passed by the learned Civil Judge (Senior Division), Raiganj, in O.C. 11 of 2009, had been executed. The petitioner was put in possession by the Nazir along with the process server. A report was filed before the learned Court below and O/C Execution Case No. 03/2009, was finally disposed of in full satisfaction of the decree.

The petitioner alleges that the respondents nos. 5 to 7 were disturbing the petitioner's possession. The police authorities, on receipt of the complaint of the petitioner, made an enquiry. It was found that the land of the

petitioner could not be identified. No separate demarcation from the lands occupied by the other respondents, was found.

However, anticipating breach of peace, prosecution under Section 107 of the Code of Criminal Procedure, 1973 was submitted against both the parties. It was also found that some portions of the land were in possession of the respondents nos. 5 to 7.

Under such circumstances, apart from maintaining peace and tranquility, the police authorities cannot be directed to take further steps as prayed for.

The police authority shall keep a vigil in order to ensure that peace is maintained. The issues with regard to the possession, encroachment, boundary disputes, threat of dispossession etc. cannot be decided in this proceeding.

The writ petition being W.P.A. 14823 of 2022 is disposed of. However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)