

S/L 8
26.07.2022
Court. No. 19
GB

WPA 16252 of 2022

Gyanarjan Vidya Mandir
VS
The State of West Bengal & Ors.

*Mr. Soumik Ganguly,
Mr. Dilip Kumar Sadhu,
Mr. Avik Kumar Das.*

...for the Petitioner.

*Mr. Subhabrata Datta,
Mr. Sanatan Panja.*

...for the State.

*Mr. Srinjoy Das,
Ms. Sanjukta Mukherjee.*

...for the Respondent Nos.5 & 6.

The petitioner alleges inaction of the Officer-in-Charge, Arsha Police Station. The allegation is that the respondent nos.5 and 6 have been obstructing the teachers and students of Gyanarjan Vidya Mandir from attending the school. It is contended that egress and ingress to the school has been blocked by the respondent nos.5 and 6.

The police authorities have filed a report, from which it appears that the passage is on Dag No.1691 of Mouza-Mishirdih. While the police authorities contend that the said plot did not include the area donated by the predecessor-in-interest of the respondent nos.5 and 6 to the school, it is contended by the school that the deed of gift would indicate that part of plot no.1691 had also been donated to the school. However, the police authorities on local enquiry came to learn that the passage was the only approach road used by students and teachers and the staff of the school.

On the basis of the complaint filed by the petitioner, Arsha Police Station Case No.104 of 2022 dated July 25,

2022 has been registered. The investigation is going on. It also appears that the respondent nos.5 and 6 were directed to maintain peace in the locality and prosecution under Section 107 of the Code of Criminal Procedure had also been submitted against them. It further appears that meetings have taken place between the school authorities and the respondent nos.5 and 6, so that the dispute could be resolved. The Block Land and Land Reforms Officer informed the police that there was an existing pathway over the plot no.1691, which was used for entry and exit by the students and staff of the school.

Under such circumstances, the writ petition is disposed of with a direction upon the police authorities to ensure that the 'Rasta' on plot no.1691 of Mouza-Mishirdih, pertaining to J.L. No.86 (as informed by the BL&LRO) shall be kept free from any blockage and the access to the school shall not be blocked through the said 'Rasta'. With regard to the other issues, parties are at liberty to approach the appropriate forum.

The respondent nos.5 and 6 contend that the alleged pathway was their exclusive property and was not donated to the school. They are at liberty to initiate appropriate proceeding before the appropriate civil court.

The police authorities will keep a vigil.

Accordingly, the writ petition 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.)