

05.09.2022.
Court No.13
Item No. 18
ap

W.P.A. No. 16422 of 2022

**Sri Pallab Biswas
Versus
The State of West Bengal & Ors.**

Mr. Supriyo Chattopadhyay,
Mr. Sudip Kumar Maiti.

...For the petitioner.

Mr. Amajit De.

...For the respondent no.5.

Despite service of notice, the State is not represented. Affidavit-of-service filed in Court today be taken on record.

The petitioner is aggrieved that Kanksa Police Station under the garb of enforcement of an order under Section 144 of the Code of Criminal Procedure is preventing construction of his property.

Counsel for the private respondent submits that the petitioner is encouraging upon his property.

In such event, the private respondent ought to have taken out appropriate civil proceedings against the petitioner. Under Section 144 of the Code of Criminal Procedure, neither the police nor the Executive Magistrate can decide the extent of any property of the petitioner or the private respondent.

In the above circumstances, Kanksa Police Station shall not intervene in a private dispute between the petitioner and the private respondent.

The parties may invoke appropriate civil remedies, as may be advised, in accordance with law.

With the aforesaid observations, 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.)