

08.09.2022
Court No.13
Item No.91
AP

WPA 17214 of 2022

**Hannan Ali Laskar @ Hannan Laskar and Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Saumen Gayen

... For the Petitioners.

Mr. Sandipan Maity

... For the Respondent Nos.6 to 10.

The petitioners complain that the private respondents are disturbing their peaceful possession of a property. Admittedly both the parties are co-sharers. Earlier the local Amin at the instance of the Officer-in-Charge, Kultali Police Station has demarcated the property. The petitioners were living peacefully thereat.

It is submitted that ever since the new Officer-in-Charge has joined, he has removed the demarcation.

This Court is surprised to note as to how the Amin has demarcated a property that too at the instance of the local police, when the Amin is supposed to act only in terms of a Civil Court's or Statutory Authority's order.

In these circumstances, the parties may seek an appropriate partition in an appropriate civil proceedings.

Since the private respondents submit that they are not interested in disturbing the petitioner, the petitioners may return to their premises. The parties

shall ensure that there is absolutely no breach of peace.

The Officer-in-Charge, Kultali Police Station shall ensure that there is no breach of peace in the area.

With the aforesaid directions, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)