

09-09-2022
ct no. 13
Sl.118
sp

WPA 17285 of 2022
Smt. Pramila Kora & Anr.
-Versus-

The State of West Bengal & Ors.

Mr. Moni Sankar Chattopadhyay,
Mr. Ashoke Kumar Nath
....for the petitioner

Mr. Raja Saha,
Ms. Piyali Sengupta,
Ms. Tanusri Chanda
....for the State

Mr. Alok Roy Chowdhury,
Ms. Anindita Roy Chowdhury
...for the respondent nos. 4 to 7

The petitioner complains that the private respondents are effecting construction over a portion of her land. The petitioner claims title and ownership to the land she inherited from her ancestors.

The private respondents submit that at the instance of the petitioner, the Saltora Police, and the EM Bankura, the local BL & LRO has demarcated the land. The Saltora Police is stated to have been instructed by the Executive Magistrate, under Section 144 of the Cr. P.C. It is now well-settled that under Section 144 of the Cr. P.C., public order and tranquility are the only issue that the Executive Magistrate is required to be

concerned with. Neither the police nor the Executive Magistrate can decide upon the extent of any civil rights of any party on any piece of land. The parties may agitate their civil disputes and the rights in respect of their land before the appropriate Civil Court.

The Saltora Police, Bankura shall, without in any way interfering with any civil disputes between the parties, ensure that there is no breach of peace at all in the area.

The purported demarcation made by the BL & LRO, Bankura, at the instance of the police shall not be binding on the parties unless approved by an appropriate Civil Court or a statutory authority.

With the aforesaid observations, the writ petition shall stand disposed of.

There shall be no order as to costs.

The instruction of the Saltora Police Station, Bankura, dated 03.08.2022, is kept with the record.

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

(Rajasekhar Mantha, J.)