

S/L 451(ML)
22.08.2022
Court. No. 19
GB

WPA 18259 of 2021

Shiw Kumar Ladia
VS
The State of West Bengal & Ors.

Mr. Ashis Bhattacharyya.

...for the Petitioner.

*Mr. Tapan Kr. Mukherjee,
Ms. Saheli Mukherjee.*

...for the State.

The petitioner alleges that the Officer-in-Charge, Dankuni Police Station has failed and neglected to remove the 'Khatal', situated at North T.N. Mukherjee Road, comprising of L.R. Dag No.2626 of Mouza-Mrigala. The petitioner claims part ownership of the said L.R. Dag.

The issue with regard to the removal of the 'Khatal' cannot be decided by the police authorities, unless there is a specific direction upon the police authorities from the competent authority to remove the same. Moreover, the petitioner prays for an order of removal of the 'Khatal'/eviction, from an area allegedly owned by the petitioner. Such order cannot be passed by the writ court. The issue with regard to the title, possession, encroachment and existence of the 'Khatal' are matters which have to be adjudicated by the appropriate forum.

Under such circumstances, the Officer-in-Charge, Dankuni Police Station cannot be directed to remove the 'Khatal' or any portion thereof from the said plot of land, without any direction from a competent authority.

The petitioner is at liberty to approach the appropriate authorities as also the courts of law, with his prayers.

This order shall not be construed as an opinion of the Court with regard to the right, title and interest of the parties.

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.)