

S/L 4
08.07.2022
Court. No. 19
GB

WPA 18536 of 2021

Manirul Sekh
VS
The State of West Bengal & Ors.

Mr. S.N. Biswas.

...for the Petitioner.

*Mr. Amal Kr. Sen,
Mr. Lal Mohan Basu.*

...for the State.

The petitioner had alleged public nuisance by the respondent nos.6 to 8. It was the specific contention of the petitioner that certain tin structures had been erected by the said respondents over a road, which was the entrance to the house of the petitioner.

Mr. Sen, learned advocate for the State respondents had specifically submitted before the Court that the tin sheds, which had been constructed on the PWD lands, thereby blocking the entrance to the house of the petitioner, had been removed. The petitioner denied such contention of Mr. Sen. It was specifically submitted by the petitioner that pursuant to a proceeding under Section 4(1) of the West Bengal Public Land (Eviction of Unauthorized Occupants) Act, 1962, the Sub-Divisional Magistrate, Tehatta as also the Block Land and Land Reforms Officer ought to have ensured that the structures were removed. The police authority also sat tight over the matter, without taking any steps.

Under such circumstances, the Superintendent of Police, Nadia was directed by this Court to oversee the matter. A further report was called for with photographs in

order to ascertain whether the respondent nos.6 to 8 had removed the structures.

Today, a report has been filed, prepared by the Officer-in-Charge, Palashipara Police Station. From the report, it appears that a copy of the order of this court was forwarded by the Superintendent of Police, Krishnanagar Police District to the Officer-in-Charge, Palashipara Police Station with a strict direction for compliance. The Block Land and Land Reforms Officer, Tehatta-II Block was asked to make an inspection and demarcation. The Block Development Officer, Tehatta-II Block as also the Officer-in-Charge, Palashipara Police Station were directed to render assistance.

The demarcation programme was fixed on July 4, 2022 at 11 a.m. Upon completion of such demarcation, it transpired that respondent nos.6 and 8 removed the tin structures from the government land, that is Plot No.894. Only a tin shed of the respondent no.7 continued to exist. The respondent no.7 was not present at the meeting and the mother of the respondent no.7, was asked to comply with the order. It appears that a single tin shed temporary in nature still exists on Plot No.894, but the same is at a distance of 60ft. from the entrance of the house of the petitioner. Photographs have been annexed, which show that the entrance to the house of the petitioner is not blocked in any way. The police report is taken on record.

Under such circumstances, for the purpose of disposal of the writ petition, which was primarily filed challenging

inaction of the police authorities, this Court is satisfied that the police authorities have taken adequate steps to ensure that the nuisance, which had been committed by the respondent nos.6 to 8 by blocking the entrance to the house of the petitioner has been removed.

With regard to the existing temporary structure, the authority is at liberty to act and proceed in accordance with law as the dispute is with regard to the removal of encroachment from public land. The police authority shall also keep a vigil to ensure that such nuisance is not committed in future.

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.)