

S/L 109
22.06.2022
Court. No. 19
GB

WPA 18554 of 2021

Shri Nanda Dulal Mondal & Anr.
VS
The State of West Bengal & Ors.

*Mr. Abdus Salem,
Mr. Subrata Mukherjee.*

...for the Petitioners.

*Mr. Subhabrata Datta,
Mr. Debashis Sarkar.*

...for the State.

Despite service none appears on behalf of the respondent Nos. 6 to 8.

The Officer-in-Charge, Shyampur Police Station has filed a report before this Court, from which it appears that there is a dispute with regard to the user of a pathway. The said pathway has been used for ingress and egress by the petitioners and others. The pathway is situated in the vicinity of Plot No.551 and Plot No.552 of Mouza-Boinchi.

Upon enquiry, the police authorities came to the conclusion that the above plots were recorded in the name of the father of the petitioners. The respondent nos.6 to 8 informed the police authorities during such enquiry that they would not obstruct renovation of the pathway, if the petitioners permitted the said respondents to use another pathway behind the house of the petitioners, which belonged to the said respondents.

This Court is of the view that the dispute cannot be settled by the police authorities. The petitioners pray that the police authorities be directed to give protection to the petitioners while the petitioners renovate the said pathway.

It is not the duty of the police authorities to enter into a private dispute and settle the same. The police authorities will only ensure that the parties do not commit any cognizable offence.

Under such circumstances, the writ petition is disposed of with a direction upon the Officer-in-Charge, Shyampur Police Station, Howrah to ensure that the parties do not commit any cognizable offence over such dispute. The remedies of the parties before the civil court are kept open.

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.)