

S/L 115
23.06.2022
Court. No. 19
GB

WPA 19999 of 2021

Haydar Molla
VS
The State of West Bengal & Ors.

*Md. Ali Ahasan,
Md. Ali Mansoor.*

...for the Petitioner.

*Mr. Pantu Deb Roy,
Mr. Pannalal Bandopadhyay.*

...for the State.

Affidavit-of-service filed in Court today, be kept with the record.

Despite service, none appears on behalf of the respondent nos.6 to 13.

The prayer in the writ petition is in the nature of an injunction. A direction upon the respondent nos.6 to 13 is sought for, restraining them from disturbing the construction work on the plot of land of the petitioner. Police protection has also been sought for.

The police authorities have filed a report. It appears that there is a dispute between the petitioner and the respondent nos.6 to 13 with regard to L.R Plot No.910. These respondents intimated the police that they are in possession of the property and the petitioner has encroached into a portion thereof.

A title suit being Title Suit No.8624 of 2011 is pending before the learned Civil Judge (Junior Division), 6th Court at Alipore.

The petitioner denies the factum of pendency of the civil suit. The petitioner submits that the petitioner is in

possession. The petitioner further submits that the local municipal authority has granted permission for such construction. Reliance has also been placed on the order passed by the Block Land and Land Reforms Officer permitting mutation of the name of the petitioner in respect of the said land dated April 16, 2012.

This Court cannot grant any mandatory order permitting the petitioner to construct the boundary wall. Rival claims to title, exist. The dispute is civil in nature. However, the police authorities shall ensure that the petitioner is not disturbed or unnecessarily harassed by the respondents.

Accordingly, the writ petition is dispose 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.)