

17.02.2022.
Court No.13
Item No. 32
ap

**W.P.A. No. 20976 of 2021
(Through Video Conference)**

**Rafiqua Islam Molla
Versus
The State of West Bengal & Ors.**

Ms. Pampa Dey (Dhabal).

...For the petitioner.

Mr. Raja Saha,
Mr. Subhra Prakash Lahiri.

..For the State.

Affidavit-of-service filed in Court today be taken
on record.

The writ petitioner is aggrieved by the fact that
Usthi Police Station is not complying with the orders
passed by the learned Executive Magistrate, Diamond
Harbour on 24th March, 2017 and 27th January, 2022.

The order dated 18th April, 2017 has lost its
force after two months.

From the submissions of the Counsel for the
State, it appears that the structure in question is not a
mere obstruction but a semi permanent bamboo
structure with tiled roof. It further appears that both
the petitioner and the private respondent claim
ownership of the same.

In that view of the matter, this Court is of the
view that Usthi Police Station should have nothing to
do in such a situation and should not take any steps
without appropriate orders from a Civil Court or any
other forum.

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

The instructions of the Officer-in-charge, Usthi Police Station dated 5th January, 2022 addressed to the learned Government Pleader, High Court, Calcutta be also taken on record.

There will be no order as to costs.

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

(Rajasekhar Mantha, J.)