

22.11.2022.
Court No.13
Item No. 15
ap

W.P.A. No. 21662 of 2022
Khandakar Mondal
Versus
The State of West Bengal & Ors.

Mr. Samarendra Nath Biswas.

...For the petitioner.

Ms. Jayeeta Sinha,

Mr. Ranjit Rajak.

...For the State.

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

The petitioner is aggrieved that the private
respondent has effected construction in front of his
house that is blocking free ingress and egress.

Admittedly, the land in question belongs to PWD
and/or the District Collectorate.

The police cannot be directed to remove or
disallow any construction without due process of law.

This Court is of the view that investigation into
the title of the land shall be taken up with the PWD
and/or the Office of the District Magistrate by the
petitioner in accordance with law.

The police shall only act in terms of a lawful
direction passed by the Authority as empowered under
the Statute.

Officer-in-charge, Palashipara Police Station
shall, however, ensure that there is absolutely no
breach of peace in the area.

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

Instructions of Officer-in-charge, Palashipara Police Station dated 22nd September, 2021 addressed to the Government Pleader, High Court, Calcutta is taken on record.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)