

S/L 225
4.7.2022
Court. No. 19
Sn

WPA 7872 of 2020

Pulin Naskar
Vs.
The State of West Bengal & Ors.

Mr. Mukteswar Maity
Ms. Manika Sarkar ... for the petitioner

Ms. Chama Mukherjee
Mr. Siraj Goptu ..for the State

Despite service, none appears on behalf of the respondent nos. 4 to 9. Let the affidavit-of-service be taken on record.

The dispute arose out of an alleged encroachment by the respondent nos. 4 to 9. The petitioner claims title to the disputed land. Allegation is that his brothers tried to encroach. This gave rise to a boundary dispute.

The allegation is that one of the brothers of the petitioner, tried to encroach into the land of the petitioner and raise constructions. When the petitioner tried to resist, an altercation took place and the petitioner was assaulted.

The police authorities filed a report, from which it appears that pursuant to the direction of the learned Sub-Divisional Executive Magistrate at Barasat, an enquiry was held and a prosecution under Section 107/116(3) of the Code of Criminal Procedure was submitted against both the parties. The parties were

directed to maintain peace and tranquility. The police authorities are also keeping a sharp vigil.

As the dispute is over a land, the parties are directed to approach the appropriate civil court. There is an existing boundary dispute. The parties are relatives, who are fighting against each other. Property is yet to be demarcated.

Thus, the remedy of the petitioner would be before the appropriate civil court on the allegations of encroachment etc.

However, the police authorities must maintain a sharp vigil and ensure that the law and order is maintained and parties do not commit further offences.

The police report is taken on record.

The writ petition is disposed of.

There will be, however, 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.)