

21.03.2022.
Court No.13
Item No. 36
ap

**W.P.A. No. 8671 of 2020
(Through Video Conference)**

**Biswajit Sadhukhan
Versus
The State of West Bengal & Ors.**

Mr. Ramasish Mukherjee,
Ms. Sutapa Upadhyay.

...For the petitioner.

Mr. Subhabrata Datta,
Mr. Debasish Sarkar.

...For the State.

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

The writ petitioner is aggrieved by the fact that
the private respondents are obstructing reconstruction
of a particular wall, which according to the petitioner,
is standing in his land.

Assistance of the local police is sought.

Counsel for the State, Mr. Datta, submits that
the local Panchayat deems the said portion of land to
be part of a public road. The private respondents echo
the same.

Counsel for the State further submits that
Haripal Police Station has taken out a proceeding
under Section 107 of the Code of Criminal Procedure.

The issue whether a particular portion of the
property belongs to the petitioner or not, cannot be
decided by a Writ Court. The petitioner's remedy is
before an appropriate Civil Court.

It shall be ensured by the police that there is no breach of peace in the local and strict vigil shall be maintained thereat.

The petitioner may pursue his remedy before the appropriate civil forum in accordance with law.

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

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.)