

2.8.2022
Sl.No.348
sn

W.P.A. No. 9518 of 2020
Rangalal Chakraborty
Versus
The State of West Bengal & Ors.

Mr. Ziaul Haque ... for the Petitioner.

Mr. Raja Saha
Ms. Piyali Sengupta
 ..for the State

Despite service, none appears on behalf of the State respondents. Let the affidavit of service be taken on record.

Mr. Raja Saha, learned advocate, who usually appears on behalf of the State respondents, is requested by this Court to appear in this matter. His appearance be regularised.

The petitioner alleges that the respondent no.6 has constructed a structure on PWD road. Part of the land of the petitioner has also allegedly been encroached upon.

The petitioner prays for a direction upon the police authorities to ensure peaceful possession of the petitioner in respect of the land. Further direction upon the police to remove the structure from the land of the petitioner, has been prayed for.

The petitioner relies on a direction of this Court upon the Officer-In-Charge, Namkhana Police Station to ensure that the private respondents in the said

proceeding, did not attempt to repossess the property of the petitioner or did not create any disturbance.

Upon considering the prayers in the writ petition, this Court is of the view that a mandatory direction upon the police authorities to remove construction which was allegedly made on a part of the land of the petitioner and mostly on PWD road, cannot be passed. The police authorities are not in a position to make a demarcation of the lands of the petitioner. It is the specific contention of the petitioner that the structure has been constructed on the PWD road and part of the same has encroached into the land of the petitioner.

In the earlier writ petition, being WP 27143(W) of 2014 the allegation was that the judgement debtor who had been evicted upon execution of a decree of the civil court were trying to repossess the land of the petitioner. The cause of action in the earlier writ petition and the present writ petition are different.

Thus, this writ petition is disposed of granting liberty to the petitioner to approach the appropriate forum, in accordance with law.

The police authorities shall keep a vigil in order to ensure that no untoward incident takes place and the petitioner is not disturbed in any way while enjoying his land.

The writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the basis of the server
copy of this order.

(Shampa Sarkar, J.)