

2.8.2022
Sl.No.357
sn

W.P.A. No. 11114 of 2020

Biswanath Pal

Versus

The State of West Bengal & Ors.

Mr. Rafikul Islam Sardar
Ms. Aparajita Mondal
Mr. Biplab Adak ... for the Petitioner.

Mr. Ashim Kr. Ganguly
Ms. Karabi Roy ..for the State

Let the affidavit-of-service be taken on record.

The petitioner prays for a direction upon the police authorities to render assistance to the petitioner when the petitioner raises a construction on an undivided property, on the basis of the permission granted by the panchayat authority.

The respondent nos. 4 to 7 obstructed the petitioner from making such construction. The petitioner approached the police authorities for protection and assistance.

The police report is taken on record. It appears from the report that pursuant to the representation of the petitioner, an enquiry was made. It appeared that there is a long standing dispute between the co-sharers in respect of the land in question. The respondent No.4 and the petitioners are brothers.

Thus, apprehending breach of peace, the police authorities submitted a prosecution under

Sections 107 and 116 of the Code of Criminal Procedure against the respondent nos. 4 to 7. The police authorities found the dispute to be civil in nature and advised the parties to approach the appropriate Civil Court.

As the property on which the petitioner is raising a construction is an undivided property, the Writ Court cannot direct the police authorities to render assistance to the petitioner to raise such construction on an undivided plot. There has neither been any demarcation nor any partition even though there is a permission.

The remedy of the petitioner shall be before the learned Civil Court.

The police authorities shall maintain a strict vigil in order to ensure that law and order problems are not created by the parties.

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.)