

02.05.2023
Court No.13
Item No.29
AP

WPA 859 of 2022

**Sambhu Mondal
Vs.
State of West Bengal and Ors.**

Mr. Golam Karim Chowdhury
Mr. Samar Kumar Pal

... For the Petitioner.

Mr. Pantu Deb Roy
Mr. Pannalal Bandopadhyay

... For the State.

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner complains of alleged inaction on the part of the Swarupnagar Police Station. It is submitted that the private respondents are effecting illegal construction on the petitioner's land.
3. It appears that Swarupnagar Police has taken out proceedings under sections 107 and 116 of the CrPC.
4. This Court is of the unequivocal view that the disputes between the petitioner and the private respondents are primarily civil in nature and appropriate civil proceedings may be taken out by the petitioner not only for removal of encroachment but also for demolition of unauthorized construction, if any.
5. Swarupnagar Police shall, however, ensure that there is absolutely no breach of peace in the area.

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

7. There shall be no order as to costs.

8. Report of the Officer-in-Charge, Swarupnagar Police Station, Basirhat Police District is taken on record.

9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)