

02.05.2023.
Court No.13
Item No. 14
ap

W.P.A. No. 7085 of 2023
Narayan Chandra Sinha & Ors.
Versus
The State of West Bengal & Ors.
With
W.P.A. No. 19754 of 2022
Gopal Jana & Anr.
Versus
The State of West Bengal & Ors.

Mr. Soumik Ganguly,
Mr. Asif Iqbal Ahmed.

...For the petitioners.

Mr. Sonal Sinha.

...For the State.

Mr. Gautam Banerjee.

...For the respondent nos.8 & 9.

1. By consent of the parties, W.P.A. No. 19754 of 2022 is taken up for hearing and disposed of by a common order by treating the same as on day's list.
2. Registry of this Court shall publish a cause list including the aforesaid two matters in a supplementary cause list.
3. Affidavit-of-service filed in Court today be taken on record.
4. The petitioners complain that the Sub-Divisional Executive Magistrate, Purba Medinipur purportedly under power under Section 145 of the Code of Criminal Procedure has, put a barricade at the Petrol Pump of the petitioners preventing free ingress and egress of vehicles coming into the Petrol Pump for fuel.
5. The learned Sub-Divisional Executive Magistrate, Purba Medinipur is stated to have obtained a report

from the Block Land & Land Reforms Officer, Patashpur-I indicating that the petitioners' usage of land is illegal.

6. Counsel for the private respondents submits that the portion of the land on which the petitioners' Petrol Pump exists is actually a water body as Nayanjuli and has been illegally converted. It is also submitted that the barricaded land belongs to the private respondent.

7. These are civil disputes that can be dealt with by a Civil Court or a statutory forum under the West Bengal Land Reforms Act, 1955.

8. This Court is of the clear view that the Sub-Divisional Executive Magistrate, Purba Medinipur in this case has exceeded his jurisdiction.

9. The parties are at liberty to approach an appropriate civil or statutory forum in this regard in respect of their right or any statutory violation, in respect of the land on which the Petrol Pump is situated. The barricade shall be removed forthwith as already directed hereinabove. If the police do not remove the said barricade, the petitioners may do so on their own.

10. It is absolutely made clear that any directions or orders or observations made hereinabove shall not be final or conclusive in so far as the right of the petitioners and the private respondents in respect of the properties are concerned. The civil or statutory

forum that the parties may approach shall decide the matter uninfluenced by any observation made herein.

11. Any right to retain or construct a boundary wall on any of the land of the petitioners or the private respondents may be decided by an appropriate civil or statutory forum.

12. Since respondents in the two writ petitions, have not used any affidavit in opposition none of the allegations in any of the writ petitions shall be deemed to have been admitted by any of them.

13. With the aforesaid observations, both the writ petitions are disposed of.

14. There will be no order as to costs.

15. 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.)