

08.05.2023
Court No.13
Item No.340
pk

WPA 8878 of 2021

**Keshab Chandra Mondal and Ors.
Vs.
The State of West Bengal and Ors.**

Mr. Pankaj Halder
Mr. Samarjit Balial
Mr. Neelabha Bera
Mr. Bodhidipta Mandal
Mr. Shanjit Thokchom

... For the Petitioners.

Mr. Santanu Kumar Mitra

... For the State.

1. The petitioners complain that the structure of a particular temple is being demolished by the private respondents. The petitioners rely upon decrees passed in three suits filed in 1980, 1990 and 2011.

2. Counsel for the petitioners submits that they are the recorded owners as per BL&LRO records in respect of the property in question. The Raidighi Police Station must therefore ensure that the assets of the temple are preserved.

3. This Court is of the view that the police are not authorized to determine as to whether a particular temple is the petitioners' property or otherwise.

4. The petitioners may approach an appropriate Civil Court seeking civil remedies in respect of a property which they claim as theirs.

5. The Raidighi Police Station has taken out proceedings under sections 107 and 116(c) of the CrPC.

6. Police shall ensure that there is absolutely no breach of peace in the area.

7. In the event the petitioners feel that the police have failed to register FIR in respect of any complaint that discloses any cognizable offence, they may take out appropriate proceedings under section 156(3) of the CrPC.

8. The report of the Inspector-in-Charge, Raidighi Police Station is taken on record.

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

10. There will be no order as to costs.

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

(Rajasekhar Mantha, J.)