

M/L 20
09.10.2023
Court No.14
SD

WPA 14273 of 2023

Mainal Hoque Chowdhury
Vs.
The State of West Bengal & Ors.

Mr. Indrajit Roy Chowdhury
Mr. Jaydipta Mandal

...for the Petitioner.

Mr. Amitesh Banerjee
Mr. Tarak Karan

...for the State.

Affidavit of service filed by the petitioner is taken on record.

Despite service, none appears on behalf of the private respondent.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the land in question. The Pradhan started creating some dispute regarding the petitioner's possession of such land. The petitioner had to approach the WBLRT and obtain a favourable order. In spite of this, Pradhan continues to violate such order and create disturbance. Even the Hon'ble Apex Court held that the status quo shall be maintained. By an order dated 08.6.2022 passed by a coordinate Bench of this Court in WPA 19788 of 2021, the petitioner was granted liberty to apply for police picket, which prayer was to be disposed of in accordance with law. The petitioner made

such a prayer for police picket, but the same was rather unceremoniously turned down.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The prime grievance of the petitioner appears to be as regards a dispute with a neighbour who is allegedly keeping soil on the petitioner's property. However, the police authorities have taken initiative to remove the said soil at the point of entry to the petitioner's property. In fact, the DSP concerned had a meeting with the petitioner and the other side and after consultations had the soil removed. The police authorities are keeping a close watch at the developments at the locale. There is no problem of ingress and egress of the petitioner's property as of now.

It does not appear that the petitioner has prayed for removal of soil from the point of ingress and egress of the petitioner's property. It may very well be that the soil has actually been removed by the concerned authorities.

As regards the petitioner's prayer for posting of police picket, it does not appear that such a case is made out.

However, to allay the apprehensions of the petitioner, let the police authorities keep a sharp vigil at the locale and ensure that no breach of peace takes place and no order of a civil court is violated.

If any untoward incident occurs or is apprehended by the petitioner, the petitioner shall be at liberty to call up the Officer in Charge of the Raiganj Police Station to inform the same who shall then act in accordance with law.

With these observations, WPA 14273 of 2023 is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)