

469 22.11.2023
NB Ct. 14

WPA 15825 of 2022

Ajay Kumar & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Narayan Ch. Mandal,
Ms. Anushika Bharati,
Ms. Pushpita Dewanjee.
...for the petitioners.

Mr. Wasim Ahmed,
Md. Shehabuddin.
...for the State.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners approached the learned Magistrate with a prayer that the concerned land was a 'Rasta' and the trees planted on the same by the private respondent should be removed. An order was passed under Section 133 of the Code of Criminal Procedure to this effect directing the concerned opposite parties to remove the obstruction. The Officer-in-Charge was to keep a strict vigil and to serve copies of the order on the other side.

Learned counsel appearing on behalf of the State denies the allegations and submits that there was no direction upon the police authorities to remove the obstacles.

From a perusal of the order passed under Section 133 of the Code, it appears that there is no clear direction upon the police authorities to remove the obstruction. A direction was given on the opposite parties to do the same. The police was only to keep peace and maintain vigil.

For any further relief, the petitioners shall be at liberty to approach the appropriate Court.

However, no case for police inaction has been made out in the writ petition.

Accordingly, the same is dismissed.

There shall, however, be no order as to costs.

Urgent certified copy of this order may be given to the parties expeditiously, if applied for.

(Jay Sengupta, J.)