

14.07.2023
sayandeep
Sl. No. 24
Ct. No. 14

WPA 15720 of 2023

Nirmal Kr. Jana & Anr.
-versus-
The State of West Bengal & Ors.

Mr. Pawan Kr. Gupta
Ms. Sofia Nesar
Mr. Santanu Seth
Mr. Abhijit Bose

..... for the petitioners

Mr. Ansar Mandal
Mr. Asish Dutta

.....for the State

Mr. Uddipan Banerjee

.....for the respondent Nos. 9,10

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities, especially the respondent No. 5 to restrain the private respondent from disturbing the peaceful measurement of land of the petitioner by the State agency.

Affidavit-of-service filed on behalf of the petitioner is taken on record. Despite service, the private respondent Nos. 6,7 and 8 are not appearing.

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

Learned counsel appearing for the petitioner submits as follows. The petitioner is the owner of the land in question. He wanted to have the land demarcated by the concerned officers of the State so

that he could construct a boundary wall for protecting the same. This was objected to by the local goons who have also formed a Club. On a previous occasion, when the petitioner went to have his land measured as many as four FIRs were lodged by those local anti-socials. This Court granted stay on such malicious proceedings.

Learned counsel appearing for the respondent Nos. 9 and 10 submits as follows. The allegations made by the petitioner are denied. However, the respondent Nos. 9 and 10 have no objection if the petitioner has his land measured by the concerned officers of the State.

Learned counsel appearing for the State relies on the report and submits that there are several litigations pending between the parties.

I have heard the submissions of learned counsels appearing for the parties and have perused the writ petition and the report filed by the State.

It appears that the petitioner has an innocuous prayer to have his land measured by the concerned officers of the State.

However, considering the apprehension of the petitioner, which seems to be genuine, that an attempt to have the land measured may lead to further disturbance, this Court is inclined to grant certain protection in this regard.

Let the respondent police authorities provide adequate police assistance for the petitioner to have his land measured by the officers of the State. For this, an advance notice of 48 hrs. shall be given by the petitioner to the Officer-in-Charge of the Bagnan P.S..

Besides, the police authorities shall maintain a strict vigil at the locale and ensure that no untoward incident takes place there.

With these observations, the writ petition is disposed of.

Since no affidavits have been called for, the allegations contained in the writ petition are deemed not to have been admitted.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Jay Sengupta, J.)