

27.07.2023
Item No. 25
BR

WPA 16035 of 2023

Anil Kumar Das
-vs
State of West Bengal & Ors.

Mr. G.K.Das,
Mr. K.C.Sahoo,
Mr. S. Mondal
.... For the petitioner

Mr. Suman Sengupta,
Mr. Sambuddha Dutta
... for the State

This is an application under Article 226 of the Constitution of India thereby praying for direction upon the private respondent nos. 11 and 12 not to permit construction of a culvert over the land of the petitioner being Mouza-Ghoshpur, J.L. No. 519, Khatian No.19, Dag No. 366 and 365.

Affidavit of service filed on behalf of the petitioner is taken on record. Despite service no one appears on behalf of the private respondents.

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

Learned advocate appearing for the petitioner submits as follows. The petitioner is the owner of the land in question. Some of the co-villagers are permitting the private respondent nos. 11 and 12 to construct a culvert over the petitioner's land. This is despite an order dated 12.6.2023 passed in Title Suit Case No. 236 of 2023 by learned Civil Judge (Senior Division) ,1st Court , Contai directing the defendants therein to maintain status quo in nature, character and possession of the scheduled property.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. This is purely a civil dispute. It is open to the petitioner to approach the Civil Court for appropriate relief.

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

It appears that two civil suits are pending between the adverse parties. It is open to the petitioner to seek adequate remedy before the civil Court in the pending cases.

Therefore, no further order need be passed.

However, the respondent police authorities shall keep a strict vigil at the locale and see that no order of the civil Court is violated.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)