

26.07.2023
Item No. 22
BR

WPA 16716 of 2023

Shri Swapan Dey
-vs
The State of West Bengal & Ors.

Mr.Swagata Dutta,
Ms. S. Chattejee
.... For the petitioners

Mr. Suman Ghosh
.... For the State

Mr. Jayanta Narayan Chatterjee,
Mr. S. Naskar
Mr. Bhaskar Mondal,
Mr. Soubhik Ghosh
.... For the respondent
No. 8 to 13

This is an application under Article 226 of the Constitution of India praying for direction upon the respondent authorities to take necessary step so that the petitioner can live peacefully at his property.

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

The State also filed a report which is taken on record.

Learned counsel appearing for the petitioner submits as follows. The petitioner is the owner of the land in question. His father sold a portion of the property to a third party giving an easement right over a strip of land through which one can only be permitted to walk for the purpose of ingress and egress to the property and use it for having electricity or water line. However, afterwards the said property was sold to another person by the said third party. On a particular day, the said purchaser came to the land and tried to enter through the said strip of land in a van. The petitioner protested. This led to the altercation. Even the local panchayat members and other villagers came to purportedly settle the matter and in the process abused and assaulted the present petitioner. The outsiders did not have any right to say anything in respect of the said dispute. This was brought to the notice to the local police authorities, but no step was taken.

Learned counsel for the private respondents denies all the allegations levelled by the petitioner and submits that it is at best a civil dispute.

Learned counsel appearing on behalf of the State relies on a report and submits as follows. The dispute is about easement right between the adverse parties. However, after getting complaint about the disturbance in the locality, a proceeding was initiated by the police authorities under Section 107 of the Code.

I have heard the learned counsel appearing on behalf of the parties and have perused the writ petition and the report filed by the State.

It appears that there exists a civil dispute between the adverse parties.

However, this cannot be a ground for the local villagers or panchayat to enter into the affairs of the petitioner or, for that matter, the private respondents.

It also appears that the police have taken steps and initiated a proceeding under Section 107 of the Code.

Let the police keep a strict vigil at the locale so that no breach of peace takes place.

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.)