

September 18, 2023
AD 26
Court No.14
SG

WPA 20407 of 2023

Bhagaban Halder
vs
State of West Bengal and others

Mr. Sudarshan Ghosh
... for the petitioner

Mr. Biswabrata Basu Mallick
Ms. Parna Roy Chowdhury
... for the State

Mr. Lakshminath Bhattacharya
... for the respondent No.3

Affidavit of service filed in Court is taken on record.

A report filed by the State is also taken on record.

Learned advocate for the petitioner submits as follows. The petitioner was running a business on a piece of land. The private respondents are anti-social elements. They had been disturbing the peaceful possession of the petitioner's shop. One day, the private respondents attacked the shop, demolished it and stole away the machines that were present there. A complaint was made before the police, but no action was taken.

Learned advocate for the private respondents submits as follows. The allegations made in the writ petition are denied. The petitioner does not have any right to remain on the PWD land. However, as the private respondents are the unemployed youth like others, they have a right to put up shop rooms on the said land.

Learned advocate for the State relies on the report and submits as follows. On the complaint of the petitioner, a specific FIR has been registered. The police have also instituted a proceeding under Section 107 of the Code.

Whatever be the right of the petitioner to remain on a particular piece of land, nobody has a right to take away his belongings or even evict him therefrom otherwise according to due process of law.

But, if any party is to claim relief in respect of possession or title of the property, the same has to be done before a civil court.

It appears that on the complaint of the petitioner, a specific FIR was lodged and a proceeding was initiated under Section 107 of the Code.

Therefore, no further order need be passed in this regard.

The police shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

Accordingly, the writ petition is disposed of without any order as to costs.

Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

[Jay Sengupta, J.]