

August 31, 2023
AD 269
Court No.14
SG

WPA 21025 of 2022

Madan Bhandari
vs.
The State of West Bengal and others

Mr. Gouranga Kumar Das
... for the petitioner

Mr. Subrata Guha Biswas
Ms. Sukalpa Seal
... for the State

A report filed by the State is taken on record. A copy of the same is handed over to the petitioner.

Earlier affidavit of service filed was taken on record.

Despite service no one appears for the private respondents.

Learned advocate for the petitioner submits as follows. The private respondents are responsible for blocking egress and ingress to his property. He has approached the police authorities and the gram panchayat people. But, no help has been rendered by any of the authorities.

Learned advocate for the State submits as follows. As per the map provided by the petitioner during inquiry, the demarcation of the land was not marked. It was necessary to demarcate the land properly by the competent authority. The matter was of civil in nature and the adverse sides are claiming rights over the same land. However, on the complaint of the petitioner, a proceeding was initiated under Section 107 of the Code.

It appears that the dispute is of civil nature.

On the obstruction being on public land, the petitioner could have proceeded under Section 133 of Cr.P.C.

According to the report filed by the State, there is need to demarcate the land.

Therefore, no further order need be passed by this Court.

The parties shall be at liberty to approach the civil court for any relief.

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

With the aforesaid observations, the writ petition is disposed of.

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

[Jay Sengupta, J.]