

941 18.12.2023
NB Ct. 14

WPA 21055 of 2023

Jharna Mitra
Vs.
The State of West Bengal & Ors.

Mr. Ankit Agarwala,
Mr. Alotriya Mukherjee.
...for the petitioner.

Mr. K. J. Yusuf,
Mr. Sanjay Mukherjee.
....for the State.

Mr. T. K. Mondal,
Mr. S. Rakshit.
..for the respondent nos.5 to 12.

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the property in question where he is constructing a house. He is not concerned with the adjacent property in respect of which a suit is pending. The police are committing excess by asking the petitioner to stop construction on the pretext that a report has been sought by the civil Court.

Learned counsel appearing on behalf of the State relies on the report and submits that there is a requirement of demarcating the land in question. The help of the concerned BL & LRO has been sought. However, it is clarified that the police have not asked the petitioner to stop any construction.

Learned counsel appearing on behalf of the private respondents denies the allegations made in the writ petition, so far as his client is concerned and submits that two suits are

pending over the properties in question. There is a dispute regarding the quantity of the land possessed by the petitioner as would be reflected from the civil Court's order.

It appears that there are civil suits pending.

If any of the parties wants to establish any further right in respect of the said property, the same has to be done before a civil Court.

However, instead of overreacting, the police should only keep a sharp vigil at the locale, ensure that no breach of peace takes place and see to it that no order of a civil Court is violated.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)