

WPA 21195 of 2023

Anisuddin Jamadar
-vs-
State of West Bengal & ors.

Mr. Avirup Chatterjee
Mr. Rishov Das
...for the petitioner
Mr. Suman Sengupta
Mr. Sanatan Panja
...for the State
Mr. H. Das
...for the respondent nos. 7 & 8

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

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the land in question. There is a public pathway in front of such land. On the opposite side, there is a pond belonging to the private respondents. The private respondents are now trying to encroach upon some portion of the public pathway as well as the portion of the petitioner's land. The petitioner egress and ingress is being blocked. The petitioner approached the police for necessary help. The help was denied.

Learned counsel for the private respondents submits as follows. The allegations made in the writ petition are denied. The private respondents are not blocking the egress and ingress of the petitioner. It is the petitioner who is

actually disturbing the private respondents.

Learned counsel for the State submits as follows. There is a civil dispute between the private parties regarding demarcation of their land. However, on the complaint of the petitioner, the police have already acted and have initiated a proceeding under Section 107 of the Code.

It appears that there is a civil dispute pending between the private parties regarding the demarcation of land.

However, no one can have any excuse to block the egress and ingress of another's property. In fact, the private respondents have submitted that they are not blocking the egress and ingress of the property.

Any claim as regards the property or its demarcation has to be made before the competent authority or the Civil Court.

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

However, the respondent authorities shall keep a strict vigil at the locale, ensure that no breach of peace takes place and no order of a Civil Court is violated.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)