

December 12, 2023
AD 30
Court No.14
SG

WPA 23744 of 2023

Manash Mondal and others
vs.
State of West Bengal and others

Mr. Debasis Nandi
Mr. Kumaresh Dalal
...for the petitioners

Mr. Amal Kumar Sen
Ms. Sahina Sumi
... for the State

Affidavit of service filed in Court is taken on record.

Despite service, no one appears for the private respondents.

Report filed by the State is also taken on record.

Learned advocate for the petitioners submits as follows. The petitioners are the owners of the land in question. They have taken out necessary sanctioned plan for construction over the said land. They have taken loan for such purpose. Yet, the private respondents who are rank outsiders, having no right, title and interest in the property, are creating disturbance and hindrance in such construction. In fact, the respondent No.9 has started parking his vehicle on the petitioners' land.

Learned advocate for the State relies on the report and submits as follows. It appears that a longstanding dispute exists regarding such property between the petitioners and the private respondents. However, there is no civil suit pending. On the complaint of the

petitioners, a proceeding was initiated under Section 107 of the Code.

If the private respondents want to raise a civil dispute in respect of the property, the same needs to be done by approaching a civil court. Without doing so, they have no right to physically obstruct the petitioners from making any construction on their land.

The police authorities of Dankuni Police Station shall keep a sharp vigil at the locale and ensure that no breach of peace takes place. The surveillance shall include frequent visits by police patrol.

In the event any untoward incident occurs or is apprehended by the petitioners, they shall be at liberty to approach the Officer-in-Charge of Dankuni local police station who shall then take steps in accordance with law.

With these 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.]