

17-04-2023
ct no. 13
Sl.23
pk

WPA 26228 of 2022

Aswini Maity @ Aswani Maiti @ Aswini Maiti
-Versus-

The State of West Bengal & Ors.

Mr. Lakshminath Bhattacharya,
Mr. Rajib Kumar Acharyya,
Mr. Banshi Badan Maity
....for the petitioner

Mr. Asish Kumioaor Guha,
Mr. Naren Ghosh Dastidar.
...for the State

1. The writ petitioner complains that the private respondents have obstructed a pathway by putting banana trees and have also erected a bamboo fencing thereat. The petitioner obtained an order, passed by the Executive Magistrate, Tamluk dated 7th April, 2022 directing the removal of the banana trees and bamboo fencing.

2. According to the Police, the BL & LRO has effected measurement in the presence of both parties. The bamboo fencing and banana trees have been removed.

3. This Court is of the view that the issue is required to be dealt with appropriately by a Civil Court. Any civil dispute with regard to the property may therefore be agitated before the Civil or Statutory forum in accordance with law.

4. The Moyna Police Station shall ensure that there is no breach of peace in the area.
5. Instructions of the Moyna Police Station dated 09.12.2022 is taken on record.
6. The writ petition is disposed of.
7. There will be no order as to costs.
8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)