

82 22.03.2024
NB Ct. 14

WPA 208 of 2023

Asit Mondal & Anr.
Vs.
The Panchayat Pradhan, Gram Mandran, Goghat & Ors.

Mr. Vivek Kr. Tripathi,
Mr. Partha Pratim Mukherjee.
...for the petitioners.

Mr. Ansar Mondal Id. AGP,
Ms. Srilekha Bhattacharya.
...for the State.

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

Despite service, no one appears on behalf of the private respondents.

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

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the owners of the property in question. The private respondents are the owners of an adjacent plot of land. First, the private respondents were encroaching upon the PWD land. Thereafter, they started encroaching upon the petitioners' land as well. Right now they are even trying to block the ingress and egress of the petitioners' land and preventing them from entering into their own property. This was brought to the notice of the police authorities, but no effective steps were taken.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The police have already submitted a report in a proceeding under Section 144 of the Code. They have also taken steps by initiating a proceeding under Section 107 of the Code.

It appears that prime grievance of the petitioners is about encroachment of the petitioners' land and the PWD land and of blocking ingress and egress to the property.

If the private respondents wants to establish any further right in respect of their property, they have to approach before a civil Court and not by exercise of brute force.

In view of the above, the police authorities shall render adequate help to the petitioners so that the petitioners may enter into their own property.

Even otherwise, the police authorities shall keep a sharp vigil at the locale and ensure that no harm ensues to the petitioners. Surveillance shall include frequent visits by police patrol.

If any untoward incident occurs or is apprehended by the petitioners, they shall be at liberty to contact the Officer-in-Charge of the local Police Station who shall then act in accordance with law.

With these observations, the writ petition is disposed of.

As affidavits were not called for, allegations contained in the writ petition are deemed not to have been admitted.

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

(Jay Sengupta, J.)