

Court No. 14
Item No.21
16.01.2024
(Suvendu)

WPA 963 of 2024

**Santanu Mitra, The Estate Manager,
Board of Major Port Authority
for the Syama Prasad Mookherjee
Port, Kolkata.
Vs.
State of West Bengal & Ors.**

Mr. S.N.Mookherjee
Mr. Subhankar Nag
Mr. Snehashis Sen
.....for the petitioner

Mr. Amitesh Banerjee
Ms. Ipsita Banerjee
.....for the State

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

Learned senior counsel appearing on behalf of
the petitioner submits as follows. The Port Trust
authority is the owner of the land in question. They
intend to set up a boundary wall around their
property to protect the same and for using the said
land for commercial purpose. For some time now, the
private respondent and his men and agents have been
trying to encroach upon the said property. Last time
when the Port Trust officials visited the place, they
were practically dissuaded from entering the property

by using the muscle power. Trenches have been dug and soil is kept on the land for some construction. This was brought to the notice of the police authorities, but no steps were taken.

Learned Senior Standing Counsel representing the State submits as follows. The petitioner is trying to make a mountain out of mole hills. The land has been used by the locals to play cricket. Upon enquiry it was found that soil was dug there for preparing a cricket pitch. In fact, the Chairman of the Port Trust was the Chief Guest in one of such cricket tournaments held on such land about two years ago. Be that as it may, if the Port Trust authorities have a right to put a boundary wall on the land in question and use the same for commercial purpose, nobody can have any right to prevent the same.

It is the allegation of the Port Trust authorities/ petitioners that they have been prevented from entering into their own land. They are very much entitled to make any construction over their land to protect the same and use it commercially, if they are otherwise not barred by any provision of law. There shall be no impediment for doing so, at least from outsiders who have no right, title or interest in the said property. In such event, the Administration is duty bound to take necessary steps.

In the event the petitioner wants to put up a boundary wall in the land, they shall be at liberty to pray for police help before the authorities upon depositing necessary fees. This shall be decided promptly by the police authorities and strictly in accordance with law.

However, the respondent police authorities shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

With the above observations, the writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Jay Sengupta, J.)