

20 09.04.2024
NB Ct. 14

WPA 2375 of 2023

Panchanan Mandal @ Mondal & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Saumen Gayen,
Mr. Sandipan Maity.
...for the petitioners.

Mr. Amitesh Banerjee Id.SSC.,
Mr. Tarak Karan.
...for the State.

Affidavit of service filed on behalf of the petitioner 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.

A copy of the report shall be handed over to the learned counsel for the petitioners.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the owners of the property in question. The private respondents have been the co-sharers of the entire property that was owned by the petitioners and others. The private respondents have been disturbing the peaceful possession and enjoyment of the property by the petitioners. This prompted the petitioners to move an application under section 144 of the Code. A favourable order was passed on 06.12.2022, but the police have not acted upon the same. At present, the private

respondents are blocking the ingress and egress of the petitioners to their property.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. Local enquiry revealed that the father of the petitioner and the private respondents were brothers. Both the petitioners and the private respondents are possessing their respective portion of the land. The petitioners wanted to make a pathway using the land of the private respondents. The private respondents demanded an alternative land. Over this issue, a dispute is prevailing.

It appears that a civil dispute is pending between the private parties.

If any of the parties wants to establish any further right in respect of the property, the same has to be done before a civil Court.

However, it is made clear that none of the private parties would have any right to obstruct the only ingress and egress of each other's property.

Let the police authorities keep a sharp vigil at the locale and ensure that no breach of peace takes place.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)