

S/L 36
16.4.2024
Court No.14
SD

WPA 6735 of 2023

Ganesh Chandra Biswas
Vs.
The State of West Bengal & Ors.

Mr. Manoranjan Jana
Ms. Mitali Jana

...for the Petitioner.

Mr. Amitesh Banerjee
Mr. Tarak Karan

...for the State.

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

Despite service none appears on behalf of the private respondent.

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

Copy of the report is handed over to the learned counsel for the petitioner.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the land in question. In all he owns 7 decimals of "Vastu" land at that place. Initially, 2 decimals were taken away by the Panchayat illegally for constructing a road. Now, the private respondents in league with the Panchayat are trying to construct a road on the rest of the 5 decimals of land. The petitioner was constrained to move a writ petition before this Court. By an order dated 15.6.2022 passed in WPA 7075 of 2022 this Court directed the petitioner to approach the District Magistrate. The District Magistrate passed an order

recording that the earlier road was constructed long ago, but no new construction should be started by the Panchayat. In spite of this, the private respondents at the behest of the Panchayat are trying to construct such a road on the land of the petitioner. This was brought to the notice of the police authorities seeking necessary protection, but no step was taken.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The allegation of police inaction is denied. There is a long standing dispute between the petitioner and the local villagers over the piece of land. A complaint was lodged by the petitioner and a charge sheet was submitted in the same. A counter FIR was also lodged by one Arati Biswas. It was also culminated in a charge sheet. However, the police are keeping a close watch on the developments in the locality.

It appears that the petitioner is not agitating his grievance regarding the earlier dispute about construction of road on 2 decimals of his land. However, he is at present aggrieved with the fact that the private respondents in league with the Panchayat are grabbing the rest of his land. There is a favourable order passed by the District Magistrate, which allegedly has not been complied with by the police authorities.

If any of the parties wishes to establish any further right in respect of the land, it has to be done before the civil court.

However, the petitioner is already having an order from the District Magistrate in his favour.

Therefore, the police authorities shall keep a sharp vigil at the locale, maintain peace and ensure that order of the District Magistrate is not violated.

If a representation is made by the petitioner to the SP, Sundarban Police District regarding posting of a police picket at the petitioner's expense, the same shall be considered by the concerned SP expeditiously and in accordance with law.

With these observations, WPA 6735 of 2023 is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

Parties shall act on a server copy downloaded from the official website of this Court.

(Jay Sengupta, J.)