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30.04.2024
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Ct 14

WPA 7684 of 2024

Joyprakash Barman
-vs-
The State of West Bengal & ors.

Mr. Arka Bhattacharyya
Mr. Gourab Ghosh
..for the petitioner
Mr. Biswaranjan Bhakat
...for the respondent nos. 6, 7 & 9
Ms. Sabnam De Bardhan
..for the State

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner had purchased the piece of land in question contained in L.R. Dag Nos. 524 and 525 and had the land converted to “vastu”. He wants to build a dwelling house on the said land. However, the private respondents who are his neighbours are now creating disturbance in the peaceful enjoyment and possession of the property and are even preventing the petitioner from demarcating the land in question.

Learned counsel appearing on behalf of the private respondents denies the allegations and submits as follows. The petitioner purchased the land from the private respondents. However, there is a common pathway as would be evident from the maps appended to the three deeds of sale. There is a common road that has to be left out of any construction. In stead of private surveyor, let the petitioner

make a prayer before the BL & LRO for having the demarcation done. A proceeding under Section 147 of the Code is pending between the private parties over the issue.

Learned counsel appearing on behalf of the State relies on the report and submits that there is a civil dispute pending between the private parties over the demarcation of land.

Admittedly, the petitioner purchased the land from the private respondents who are his neighbours. He even had the land converted into “vastu”. This was obviously done for the purpose of making such construction. There is no harm if the petitioner wants to have the land demarcated upon making such construction in accordance with law.

The petitioner shall be at liberty to apply before the concerned BL & LRO to have the land demarcated in presence of the petitioner as well as the private respondents.

If such prayer is allowed, the petitioner shall be at liberty to seek necessary police help from the Officer in Charge of Kolaghat Police Station with a prior notice of 48 hours’ at his own cost and the police authorities shall provide such help to stand guard at the time such demarcation is done.

No further order need be passed in this regard.

With these observations, the writ petition is disposed of.

As affidavits were not called for, allegations are deemed not to have been admitted.

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

(Jay Sengupta, J.)