

DL-28

01.05.2024
Court No.29
(AD)
(Disposed
of)

MAT 879 of 2023
With
IA No.: CAN 1 of 2023

Gopal Jana & Anr.
Vs.
Narayan Chandra Sinha & Ors.
(Assigned)

Mr. Subhabrata Datta
Mr. Debashis Sarkar

... for the appellants.

Mr. Soumik Ganguli
Mr. Sourat Nandy

... for the private respondents.

1. By consent of the parties, the appeal is treated as on the day's list and taken up for final hearing.
2. The appeal is directed against the order dated May 2, 2023 passed in WPA No.7085 of 2023 and WPA No.19754 of 2022.
3. By the impugned order, the learned Single Judge noticed that, civil disputes existed between the private parties. The learned Single Judge observed that, the civil disputes can be dealt with by a Civil Court or a statutory forum under the West Bengal Land Reforms Act, 1955. The learned Single Judge held that, the Sub-Divisional Executive Magistrate, Purba Medinipur exceeded his jurisdiction in barricading the frontage of the petrol pump belonging to the private respondents in the appeal. Learned Single Judge, therefore, directed removal of the same.
4. Appellants preferred the appeal from the impugned order dated May 2, 2023 and during the pendency of the appeal contended that,

certain measures were being taken by the private respondents with the assistance of the State authorities.

5. Learned Advocate appearing for the appellants refers to the order dated February 23, 2024 passed by the Coordinate Bench. Learned Advocate also refers to the supplementary affidavit filed pursuant to the leave granted by the Coordinate Bench on February 23, 2024. He submits that the right, title and interest of his clients, as the adjoining plot owners stands affected.
6. We perused the impugned order of the learned Single Judge as noted above. We also perused the supplementary affidavit filed pursuant to the order passed by the Coordinate Bench.
7. We requested the learned Advocate appearing for the appellants to demonstrate the prejudice caused to his clients as the adjoining plot owners by the private respondents removing the barricade between the petrol pump run by the private respondents and the highway.
8. In response to such query, learned Advocate appearing for the appellants takes us through the record of rights and submits that, such action of the private respondents was prejudicial to his clients.
9. We perused the photographs annexed to the

supplementary affidavit.

10. It appears from such photographs that the area of land between the petrol pump and the highway is now not barricaded.
11. It is contended on behalf of the private respondents that, there was a barricade on the land between the petrol pump and the highway, which was removed. The removal of the barricade caused the top soil to be unraveled to an extent.
12. Photographs annexed to the supplementary affidavit show that, the land spoken of is between the highway and the petrol pump. Civil disputes with regard to the title of the land may be decided by the appropriate forum as directed by the learned Single Judge. Till such decision is arrived at, the ingress and egress of the petrol pump should not be disturbed.
13. In such circumstances, we find no merit in the present appeal. We also find that, we should not intervene on the subsequent events as claimed by the appellants.
14. **MAT 879 of 2023** along with all connected applications are disposed of without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)