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18.11.2024
Bpg.
ct.no.35

W.P.A.14623 of 2023

**Smt. Shukla Ghosh
Versus
The State of West Bengal & Ors.**

Mr. Subhadeep Ghosh
Ms. Papiya Bhowmick.
...for the petitioner.

Mr. Ansar Mondal
Mr. Md. Iddrish.
...for the State-respondents.

Mr. Siva Prosad Ghosh
Ms. Sriyani Mukherjee.
...for the respondent nos.4 to 9.

Affidavit of service filed by the petitioner be kept with the record.

Petitioner is aggrieved that the private respondents are allegedly encroaching upon her land by way of illegal construction. Additionally, it has been contended that the petitioner is being obstructed at the behest of the private respondents in respect of repairing of her own property. So far as the issue relating to alleged illegal construction, petitioner would approach the jurisdictional civil court for appropriate remedies. In case of any obstruction in respect of the repair work, specific directions be obtained from the appropriate authority concerned in

case any obstruction has been done by the private respondents.

Learned advocate for the private respondents denies and disputes the contentions made in the writ petition on both the counts.

State has submitted a report. Report reflects that so far as the police authorities are concerned, police authorities have already initiated Nimta Police Station Case no.98 of 2022 dated 10.02.2022 and charge-sheet has also been submitted in connection with said case under Sections 341/448/323/354/506/34 of the Indian Penal Code. Report also reflects that there are other proceedings before the learned Executive Magistrate also.

Having considered the nature of dispute which relates to alleged illegal construction and/or repairing work, I am of the view that the steps taken by the police authorities are in consonance with the law as directed above. The petitioner would approach the jurisdiction civil court so far as the other reliefs so claimed.

With the aforesaid observations, WPA 14623 of 2023 is disposed of.

There will be no order as to costs.

Report so submitted by the learned advocate appearing for the State be kept with the record.

Copy of the report be handed over to the learned advocate appearing on behalf of the petitioner as well as the private respondents.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)