

D/L 73
21.11.2024
Kausik
ct.no.35

W.P.A. 16330 of 2023

**Shayamal Kumar Sett
Versus
State of West Bengal & Ors.**

Mr. Nilanjan Adhikari

...for the petitioner.

Mr. Kushal Chatterjee
Mr. Subhasish Mitra
Mr. S. Mitra

...for the respondent nos. 12,13 & 15.

Ms. Jhuma Chakraborty
Mr. Chandan Mondal

...for the state.

Petitioner is aggrieved by the fact that private respondents are trying to convert his land into a play ground.

Petitioner prays that he may be allowed to construct a boundary wall for protecting his property. Grievance of the petitioner is that the police authorities refused to provide him police protection for construction of the boundary wall. Petitioner has also approached the executive magistrate.

Learned advocate appearing for the state has submitted a report.

Learned advocate appearing for the private respondents are present and they have their own submissions regarding the dispute over the same land which the petitioner claims to be his own.

It has been referred to by the private respondent that land referred to by the petitioner is a play ground.

I have assessed the report submitted by the state, the nature of the dispute existing between the parties and I am of the view that police authorities do not have any power until and unless directed by the civil court.

In light of the existing dispute between the parties, if the petitioner approaches the civil court and the civil court is satisfied in respect of the contentions advanced by the petitioner, consequently if the civil court passes necessary orders including orders for police protection, I direct in such circumstances the police authorities of Singur Police Station would respect and obey the order of the civil court.

For the time being, I direct that, for free egress and ingress of the respective parties, police would keep a strict vigil and would ensure that no breach of peace takes place at the locale over the

issue of the land which has been referred to in the writ petition.

With the aforesaid observations WPA 16330 of 2023 is disposed of.

Report so submitted be kept with the record.

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

(Tirthankar Ghosh, J.)