

D/L24
25.11.2024
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ct.no.35

W.P.A.21398 of 2023

**Kazi Taiyab Ali
Versus
The State of West Bengal & Ors.**

Mr. Kanakendu Chatterjee
Mr. Ranajit Ray.
...for the petitioner.

Mr. Biswabrata Basu Mallick
Ms. Parna Roy Chowdhury.
...for the State-respondents.

Petitioner has approached this Court as he is unable to enjoy his property because of encroachment of the said property at the behest of the private respondent nos.11 and 12.

Learned advocate for the State has submitted a report and contended that there is an encroachment in respect of the property. However, State do not admit who is the encroacher concerned.

Since, State has admitted regarding the encroachment, petitioner would be at liberty to approach the civil court to pray for necessary orders for removal of the encroachment. If the civil court after exercising its discretion is of the opinion that the encroachment is to be removed in a particular mode and manner and police assistance may be required for the same, in such circumstance, the police

authorities will render all possible assistance by way of respecting and obeying the order passed by the jurisdictional civil court.

With the aforesaid observations, WPA 21398 of 2023 is disposed of.

There will be no order as to costs.

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.)