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27.09.2024
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WPA 22148 of 2024
Gopal Chandra Mahanta
Vs.
The State of West Bengal & Ors.

Mr. Kaushik Chaudhury
Ms. Busra Khatun
... for the petitioner.

Mr. Abhimanyu Banerjee
Mr. Anirban Basak
... for the respondent nos. 9, 10, 12-16.

Mr. Dipanjan Dutta
Mr. Subhajit Chowdhury
... for the State.

Leave is granted to the learned advocate on record of the petitioner to file the Affidavit of service in course of this day.

The petitioner alleges that the private respondents have constructed shop room illegally by encroaching upon the PWD land in front of the property of the petitioner. Due to construction of such shop room by the private respondents, the ingress and egress to the property of the petitioner from the main road is being obstructed. The petitioner claims to have submitted a complaint before various authorities including the Inspector-in-Charge, Balurghat Police Station, which was received by the office of the respondent

authorities on August 5, 2024.

The learned advocate for the petitioner submits that in spite of receipt of the said complaint, no steps have been taken by the police authorities.

Learned advocate for the private respondent submits that the petitioner has constructed shop rooms on a portion of the PWD land, which has been allotted by the PWD in their favour in accordance with law. He, therefore, submits that the private respondents cannot be said to be encroachers of PWD land.

Mr. Dutta, learned advocate for the State submits that upon enquiry, it has been found that there are several encroachments upon the PWD land as well as the Highway and the concerned authorities have initiated proceedings for removal of such encroachment and in some cases after conclusion of the proceedings, illegal encroachers have been removed.

After hearing the learned advocate for the parties, this Court finds that the grievance of the petitioner is with regard to encroachment upon the PWD land and the competent authority shall have to take steps in that regard. The police authorities can only render assistance to such

authorities in the matter of execution of the orders passed by such statutory authorities. This Court is of the considered view that no case of police in action has been made out by the petitioners herein. At this stage, learned advocate for the petitioner submits that the private respondents are threatening the petitioner of dire consequences. The police authorities are duty bound to maintain peace and tranquility at the locale.

In view thereof, the Inspector-in-Charge, Balurghat Police Station is directed to see that no breach of peace takes places at the locale.

With the above observations and directions, the writ petition stands disposed of.

Since no affidavit has been called for, the allegations contained in the writ petition shall not be deemed to have been admitted by the respondents.

There shall, however, be no order as to costs.

(Hiranmay Bhattacharyya, J.)