

Sl.59
27.09.2024
S. Gayen
ct.no.7

W.P.A. 22237 of 2024

**Hasminara Shaikh @ Hasminara Khatun & Anr.
Versus
State of West Bengal and Ors.**

Mr. Sahid Uddin Ahmed
Mr. Nizamuddin Molla
...for the petitioners.

Mr. Rajarshi Basu
Mr. S.T. Mina
...for the State Respondents.

Mr. Chandra Nath Sarkar
Mr. Sounak Mondal
...for the Respondent Nos. 6 to 8.

The petitioners allege that that the private respondents herein have made illegal construction over the PWD land and have encroached a portion of the land of the petitioners. The petitioners submitted several representations/complaints before the police authorities and the last of such complaint was submitted on 20th August, 2024.

The allegation of the petitioners is that a portion of their land has been encroached upon by the private respondents. It is the duty of the petitioners to approach the appropriate forum for recovery of possession of the alleged encroached portion of their property as the issue of encroachment

of an immovable property by a private party cannot be decided in a writ petition.

With regard to the allegation of the petitioners that the private respondents have made illegal construction over the PWD land, the petitioners should have approached the competent authority under the relevant statute for removal of such encroachment.

Police authorities are not the appropriate authority to decide as to whether a PWD land has been encroached or not. Police authorities are dutybound to execute the order(s) passed by the authorities under the relevant statutes.

After hearing the learned advocate for parties this Court finds that no case of police inaction has been made out in this writ petition.

The writ petitioner is left free to approach the proper forum for appropriate reliefs.

With the above observations and directions the writ petition is disposed of.

However, there will be no order as to costs.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Hiranmay Bhattacharyya, J.)