

WPA 24579 of 2023

Akhtar Hussain Ansari

-vs-

The State of West Bengal & ors.

Ms. Mani Sankar Chattopadhyay

...for the petitioner

Ms. Ipsita Banerjee

...for the State

Affidavit of service filed on behalf of the petitioner is taken on record.

Despite service, no one appears on behalf of the private respondents.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the land in question. There are cases and counter cases pending between the private parties. Owing to previous grudge, the private respondents have been disturbing the possession and enjoyment of such property. They instigated the police to disturb and harass the petitioner. Accordingly, the police authorities came and took away, without any notice, the bricks and other articles meant for constructing boundary wall.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The petitioner wanted

to encroach upon government land. He was given due notice to remove the articles including bricks and stone chips meant for making illegal construction on government land. But he did not comply. Accordingly, by issuing a proper seizure list, the materials were seized and removed. The BL & LRO concerned was also kept in the loop. He came and measured the land in question. Even the persons from whom the petitioner originally purchased the bricks denied having sold such bricks to him.

It appears that official action was taken upon giving notice to the petitioner and after keeping the BL & LRO in loop, so that Government Land can not be encroached.

Therefore, no case of police excess and/or inaction is made out.

Accordingly, the writ petition is dismissed.

However, there shall 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.

(Jay Sengupta, J.)