

Sl. No.43
17.01.2024
Court no.14
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*IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE*

W.P.A. 24715 of 2023

Swadesh Ranjan Paik

Vs.

The State of West Bengal and Ors.

Mr. Sankar Prasad Dalapati

Mr. Tamal Taru Panda

.....for the petitioner.

Mr. Amal Kuamar Sen, Id. AGP

Mr. Lal Mohan Basu

....for the State.

Affidavit of service filed by the petitioner is taken on record. Despite service, none appears on behalf of the private respondents.

Report submitted by the learned advocate for the State be taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the property in question. The private respondents have been disturbing the peaceful possession and enjoyment of the property by the petitioner. The petitioner was constrained to file a civil suit, which was decreed in his favour. However, the suit filed by the private respondents was dismissed for default. In spite of this, the private respondents have

prevented the petitioner from constructing a boundary wall to protect his land. This was brought to the notice of the Police Authorities, but no step was taken.

Mr. Sen, ld. AGP appearing for the State relies on the report and submits as follows. On the complaint of the petitioner, a specific FIR was registered. The Investigating Officer also consulted with the BL. & LRO. The dispute is otherwise civil in nature. As per Order No. 10 dated 05-03-2014 passed by the learned Judge, Junior Division, 1st court, Contai, Purba Medinipur in T S NO. 405 of 2012 as filed by the private respondents, it was recorded that the defendant no.1 i.e., the present petitioner herein was owning plot no. 91 besides other land. Plot No. 91 is the subject matter of the instant litigation.

It appears that the petitioner was granted a decree by a competent civil court while the suit filed by the private respondents was dismissed for default.

The police have also taken steps by the registering a FIR on the complaint of the petitioner.

Therefore, in the event the petitioner approaches local police authorities for police help in constructing a boundary wall over the land, the Inspector-in-Charge of the local police station shall take appropriate steps to ensure that no breach of peace takes place after consulting with the concerned BL & LRO as regards the exact property in respect of which the suit was decreed

Therefore no further order need be passed in this regard.

However, the police authorities shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

With the aforesaid observations, the writ petition being WPA 24715 of 2023 is disposed of.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Jay Sengupta, J.)