

February 1, 2024
AD 68
Ct. No.14
SG

WPA 24838 of 2023

Kesab Chandra Dalal Chowdhury
vs.
The State of West Bengal and others

Mr. Lalratan Mandal
Mr. Prasanta Behari Mahata
Mr. Avik Kumar Das
Mr. Dilip Kumar Sadhu
... for the petitioner.

Mr. Suman Sengupta
Ms. Amrita Panja Moulick
... for the State.

Mr. Biswajib Ghosh
Mr. Sumitava Chakraborty
Mr. Abhishek Mukherjee
Ms. Anuska Pal
... for the respondent No.5.

Learned advocate for the petitioner submits as follows. The petitioner purchased the land in question and mutated the name in the record of rights. He had a plan approved for construction on the plot being No.585/1280. But, the private respondent is disturbing his possession and enjoyment of such property and preventing any construction.

Learned advocate for the private respondent denies the allegations and submits as follows. The private respondent is the owner of the adjoining plot being No.617. The petitioner had been trying to encroach upon such land. This prompted the private respondent to approach the civil court and an injunction was granted in

favour of the petitioner to maintain status quo in respect of his land. The same continues.

Learned advocate for the State submits that there is a civil dispute pending between the private parties. However, on the complaint of the petitioner, a proceeding was initiated under Section 107 of the Code.

It appears that there is a civil dispute existing between the private parties. If any of the parties wants to establish any further right in respect of the property, the same has to be done before a civil court.

However, it also appears that the petitioner has obtained a sanctioned plan for construction to be done on his property being plot No.585/1280.

In the event the petitioner raises any construction as per the approved plan within the bounds of the plot being No.585/1280 and does not encroach upon any portion of the adjacent land being No.617, then there can be no impediment upon him in proceeding with such construction.

It also appears that the police authorities have acted on the complaint of the petitioner by initiating a proceeding under Section 107 of the Code.

Therefore, no further order need be passed in this regard.

However, the police shall keep a sharp vigil at the locale, ensure that no breach of peace takes place and see to it that no order of a civil court is violated.

With these observations, the writ petition is disposed of.

Urgent certified copies of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

[Jay Sengupta, J.]