

Sl.No.

2

06.12.2024

Court

No. 35

G.S.Das

WPA 28331 of 2024

Subhas Chandra Dhara

-Vs-

**The District Magistrate South 24 Parganas &
Ors.**

Mr. Subrata Karmakar

... for the petitioner(s)

Mr. M. Ahmed

... for the private respondent nos.5-8

Mr. Dipanjan Datta, Id. Sr. Govt. Adv.

Mr. Sayan Datta

... for the State-respondent(s)

Affidavit-of-service so filed be kept
with the record.

The petitioner has approached this
court alleging the illegal encroachment at
the behest of the private respondent(s)
and, in spite of the information being
furnished to the police authorities of
Nodakhali Police Station, no action has
been taken by them.

The petitioner further contends that
he has approached the learned Executive

Magistrate, wherein, directions have been passed.

Learned advocate for the State has submitted a report, which reflects that the concerned police station has already filed their enquiry report before the jurisdictional Magistrate, which is the subject-matter of consideration by the said Magistrate.

In respect of right, title and interest relating to property, the learned Civil Court has its absolute jurisdiction in deciding the issues.

The petitioner would move the appropriate civil court with specific prayer(s), if he apprehends and/or his property is illegally encroached.

In case, the learned Civil Judge passes any order along with an order of police assistance and/or police protection,

the concerned police station will respect and obey such order of the learned Civil Court.

For the time being, strict vigil be kept and the police authorities would ensure that no breach of peace and tranquility takes place at the locality.

With the aforesaid observations, WPA 28331 of 2024 is disposed of.

Learned advocate for the private respondent(s) submits that since affidavits have not been invited, the allegation and/or accusations made in the writ petition are deemed not to have been admitted.

Report so submitted be kept with the record.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)

