

Sl.No. 25.02.2025
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Court
No. 35
G.S.Das

WPA 19040 of 2022

Shuly Chakraborty (Biswas)
-Vs-
The Secretary, Department of Home,
Government of West Bengal & Ors.

Mr. Kishore Mukherjee
Mr. Samrat Banerjee
... for the Petitioner(s)

Mr. Amal Kr. Sen, Id. AGP
... for the State - respondent(s)

The petitioner is aggrieved by the fact that in spite of the earlier direction passed in WP 22279(W) of 2017, wherein, a Co-ordinate Bench of this Hon'ble Court observed as follows:

"In view of the aforesaid fact, I direct the Officer-in-charge, Gaighata Police Station namely, respondent no.5 herein to see that there is no breach of public peace and tranquility affecting the peaceful possession of the petitioner and her portion of the demarcated land due to the illegal encroachment and/or construction, temporary or otherwise, made therein by the private respondents herein in any manner whatsoever.

With the aforesaid direction, the writ petition is disposed of.", - no

steps have been taken

The private respondents being the members of the local club have constructed a structure and are also using the same after encroaching the land of the petitioner. The petitioner informed the police authorities on or about 05.08.2022, but, no action has been taken by the police authorities.

Mr. Sen, learned Additional Government Pleader, appears on behalf of the State and submits that if there has been any illegal construction, it would be the domain of the learned Civil Court to pass necessary orders for demolition of such structure, if the same has been illegally constructed encroaching the property of the petitioner.

I have considered the submissions advanced by the petitioner and the State and, on an assessment of the same, the petitioner is better advised to approach

the civil court if her land has been encroached at the instance of the private respondents illegally.

In case, the learned civil court finds that pursuant to the directions passed in WP 22279(W) of 2017, there has been illegal encroachment, the learned civil court will not deter from demolishing such illegal structure provided the private respondents are unable to show any document in support of their right over the property concerned.

In the meantime, the police authorities would keep a strict vigil and ensure that no breach of the peace and tranquility takes place as also no untoward incident results because of the strained relationship existing between parties.

With the aforesaid observations, WPA 19040 of 2022 is disposed of.

Pending application(s), if any, is also disposed of.

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.)