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jdt. 01.12.2025
jb.

WPA 20252 of 2023
(Swapam Kr. Nayak vs. State of West Bengal & Ors.)

Mr. Debasis Das
.... For the Petitioner
Mr. Jayanta Kr. Samanta
.... For the State
Mr. Uttam Kr. Bhattacharya
.... For the Respondent nos. 4-6

Report submitted by the State is taken on record.

Though this Court directed the 14th respondent to use an affidavit in opposition in this matter, the 14th respondent is not represented this day.

This matter is taken up for consideration upon hearing the parties represented.

It is not in dispute that the petitioner being the Chairman of the Municipality in question was permitted beautification, pollution control and development of plot no. 1876 measuring 8.5 decimals by the Purba Medinipur Zilla Parishad pursuant to a resolution adopted by them on 27th June, 2016. The petitioner made a park for the senior citizens in the said land and some parts of the land remained vacant for construction of parking space, water reservoir, toilets etc. The petitioner alleges that on 1st July, 2023 the 14th respondent encroached upon the said vacant land and raised a tin shed construction therein. The petitioner lodged complaint before the concerned police station in this regard on 2nd July, 2023 which has not been heeded to. The 14th respondent submitted a letter before the Municipality on 5th July, 2023 stating that he was granted lease of 0.585

decimals of land in plot no. 1876 on 2nd June, 2023 and has raised a temporary construction therein.

It appears that the 14th respondent claims to have acquired title in respect of the disputed portion of the plot by virtue of a deed of lease executed in his favour. Since the petitioner also claims that the disputed portion of the land was granted to him for beautification and other purposes, the dispute between the petitioner and the 14th respondent is civil in nature.

The petitioner is at liberty to approach the appropriate forum for redressal of his grievance. Since the complaint lodged by the petitioner has not been acted upon by the police authority, the petitioner is at liberty to approach the jurisdictional Magistrate and ventilate his grievance.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)