

S/L 47
05.10.2020
Ct. No. 23
GB

W.P.A 6589 of 2020
CAN 1 of 2020 (Old No. CAN 5394 of 2020)

Pralay Majumdar
Vs.
The State of West Bengal & Ors.
(Through Video Conference)

Ms. Sima Adhikary
...for the Petitioner.

Mr. Biswabrata Basu Mallick,
Mr. Sanjib Das.
....for the State.

Leave is granted to the petitioner to correct the cause title with regard to the identification of the police authority.

The report of the Police Station is kept on record.

This matter has been taken up out of turn in view of the urgency pleaded, with the consent of the parties. All the parties are represented.

This writ petition has been filed by the petitioner alleging inaction on the part of the police authority, namely, Officer-in-Charge, Ashokenagar Police Station in taking steps pursuant to the complaint made by the petitioner with regard to the dispute with family members over cutting down jack fruit tree on the premises. A report has been filed by the Sub-Inspector of Ashokenagar Police Station from which it appears that the quarrel started over stacking building materials used for the business of the petitioner and thereafter over cutting down and removing the branches of jack fruit tree. A General Diary was entered and the police

went to enquire over the issue. It is the contention of the police authorities that there is a long-standing dispute between the petitioner and the respondent no.4. However, in view of breach of peace, the police authorities have already initiated prosecution under Section 107, Cr.P.C. to avoid any breach of peace in the area vide Ashokenagar P.S. P.R. No.- 351 of 2020.

Under such circumstances, I do not find any reason to pass further direction upon the police authorities. In the event, there is any further problem between the parties, the parties are at liberty to approach the concerned police authorities. It is also made clear that if there is any complaint of violation of any order of the civil court, the petitioner will be at liberty to approach the civil court for appropriate orders. If the petitioner approaches before the police authorities for implementation of the orders of the civil court then the police authorities shall act in accordance with law.

The petitioner is also at liberty to request the concerned municipal authority to remove the jack fruit tree if it is not impossible for the petitioner to remove the same. The municipal authority shall render all assistance.

Accordingly, WPA 6589 of 2020 along with all connected applications are disposed of.

There will be, however, no order as to costs.

Urgent Photostat certified copy of this order, if applied for,
be given to the parties on priority basis.

(Shampa Sarkar, J.)