

AM 15.09.2020
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W.P.A.6623 of 2020
C.A.N. 1 of 2020
(Old C.A.N.5445 of 2020)
Through Video Conference

BELAT MONDAL & ORS. VS. STATE OF
WEST BENGAL & ORS.

Mr. Tapas Kumar Dey
 ..for the petitioners
Ms. Chama Mukherjee,
Mr. Siraj Gooptu
 ..for the State

In view of the urgency, the matter is taken up virtually. The C.A.N.1/2020 (Old C.A.N.5445 of 2020) is disposed of.

Let the affidavit of service filed in Court today be taken on record.

This writ application has been filed by the writ petitioners who claim to be the patta holders in respect of certain plots in Mouza Ram Chandrapur, Police Station Metia, District North 24 Parganas alleging that the respondent nos. 6 to 11 were creating disturbances on the said plot of land and creating obstruction in the business of the petitioners. Complaints have been lodged by the petitioners against the said respondents.

It is alleged that the police authorities, despite such complaints, have not removed the obstruction and have not taken any action against the

wrongdoers. Hence, the writ petition has been filed.

Ms. Chama Mukherjee, learned advocate appearing for the State respondents submits that pursuant to the complaints, which according to her involve civil disputes, enquiries were made and prosecution under Section 107 of the Code of Criminal Procedure has been filed before the concerned Magistrate vide NCR No.368 dated August 10, 2020 and NCR No.354 dated July 24, 2020.

Ms. Mukherjee submits that the police authorities are in strict vigil in the said area and are also looking after the public peace and tranquility. She, however, submits that question of the title of the said property, of which the petitioners claim to be patta holders and the respondent nos. 6 to 11 claim to be owners by way of purchase, cannot be decided by the police authorities and the petitioners should approach the Civil Court.

Having heard the learned counsel for the respective parties, this court is of the opinion that the police authorities have taken steps in the matter upon enquiry and the matter is now before the learned Magistrate.

No further order need be passed in this writ petition save and except that police authorities are directed to take necessary steps so that no breach of

peace takes place.

The petitioners are at liberty to approach the civil court and the learned Magistrate for further reliefs.

This writ petition is disposed of.

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

Parties are directed to act on the learned Advocate's communication.

(Shampa Sarkar, J.)

