

18-08-2021
ct no. 13
Sl.111
sp

WPA 3371 of 2021
Julfikar Ali @ Julfikar Ali Mondal
-Versus-

State of West Bengal & Ors.
(Via Video Conference)

Md. Mokaram Hossain,
Mr. Sandipan Maity,
Mr. M. Rahaman

...for the petitioner

Md. Galib

....for the State

The writ petitioner complains that the private respondents have sold a piece of land to him which has been recorded by the B.L. & L.R.O. It is submitted notwithstanding such sale, the private respondents are preventing the petitioner from entering into the said land. It is also submitted that pursuant to a complaint dated October 7, 2020, the petitioner has addressed a complaint to the District Magistrate, Dakshin Dinajpur alleging assault and illegal obstruction by the private respondents.

Counsel for the State submits on instructions that the Banshihari Police Station has taken out proceedings under Section 107 of the Cr. P.C. against the private respondents. It is also submitted that the private respondents have instituted proceedings under Section 144 of the Cr. P.C. and reports have been submitted. It is

further stated that the private respondents have filed a civil suit against the petitioner in respect of the same cause of action.

This Court is of the view that the disputes between the petitioner and the private respondents are purely civil in nature. However, since the allegations of assault have been made by the petitioner, the Officer-in-Charge, Banshihari Police Station shall conduct an enquiry into the same.

If it is found after preliminary enquiry that the allegations made by the petition do not constitute a cognizable offence then under Section 211, IPC suitable steps must be taken by the Banshihari Police Station.

The Officer-in-Charge, Banshihari Police Station shall also ensure that there is no breach of peace in the said area.

With the aforesaid directions, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)