

13.09.2021.
Court No.13
Sl. No. 79
pk

W.P.A. No. 5208 of 2021
Ashim Kumar Bag
Versus
The State of West Bengal & Ors.
(Through Video Conference)

Mr. Amal Kumar Banerjee
...for the petitioner.

Mr. Amal Kumar Sen,
Mr. Lal Mohan Basu
..for the State.

Counsel for the petitioner submits that the private respondent nos. 5 and 6 have entered into his house and assaulted him and his wife. A complaint in this regard has been lodged and the Titagarh Police Station has not taken any step.

Counsel for the State submits that the dispute between the petitioner and the private respondents arises out of a land dispute. One party alleges encroachment by the other on their respective lands. It is further submitted that the private respondents instituted a civil suit being Title Suit No. 68 of 2019 before the learned Civil Judge, Second Court, Barasat, North 24 Parganas. The said suit is stated to have been dismissed for default.

This Court finds that the dispute between the parties is purely civil in nature. However, the Officer-in-Charge, Titagarh Police Station shall ensure that

there is absolutely no breach of peace whatsoever in the area. None of the parties shall be allowed to enter into the residence of the other.

In the event, the said civil suit is revived by the private respondents, the parties shall thrash out the differences in the said civil suit or any other proceeding that may be taken out by the parties against one and another.

The instructions of the O.C., Titagarh Police Station dated 26.02.2021 is kept with the record.

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

There shall be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)