

06.08.2021.
Item No. 40.
Court No.13
ap

**W.P.A. No. 11377 of 2021
(Through Video Conference)**

**Rabiul Sk.
Versus
The State of West Bengal & Ors.**

Mr. Dilip Kumar Samanta,
Mr. Debapriya Samanta.

...For the petitioner.

Mr. Pantu Deb Roy,
Mr. Subrata Guha Biswas.

...For the State.

Affidavit-of-service filed in Court today by the
Counsel for the petitioner be taken on record.

The writ petitioner claims that his ancestral
lands have been forcibly occupied by land Mufia under
the jurisdiction of Islampur Police Station,
Murshidabad.

A compliant in this regard has been lodged with
the Islampur Police Station on 22nd April, 2021.

It is submitted that not only has the land been
occupied illegally but construction has already been
effected.

Counsel for the State, Mr. Deb Roy, submits that
the petitioner's land has already been mutated in
favour of the third parties, inter alia, respondent nos.9
and 10. He further submits that a charge-sheet has
been filed after investigation into the complaint against
the petitioner on 16th November, 2019, inter alia,
under Section 354 of the Indian Penal Code. He also

submits that there are other complaints also being investigated by the Islampur Police Station against the petitioner, inter alia, under Section 420 of the Indian Penal Code. He submits that in respect of another complaint filed by the petitioner final report has been submitted on 30th December, 2019.

This Court finds that the petitioner's remedy would lie before the West Bengal Land Reforms and Tenancy Tribunal.

It is, however, directed that FIR be registered and investigation be completed by the Officer-in-charge, Islampur Police Station into the complaint of the petitioner.

It is expected that the aforesaid investigation shall be concluded within a period of three months from date and final report is filed before the jurisdictional Magistrate.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order on usual undertakings.

(Rajasekhar Mantha, J.)