

16-08-2021
ct no. 13
Sl.98
sp

WPA 11543 of 2021

Asok Kumar Dutta

-Versus-

State of West Bengal & Ors.

(Via Video Conference)

Mr. Kaushik Dey,
Mr. Kalyan Kr. Bhattacharjee

...for the petitioner

Mr. Debjit Mukherjee,
Ms. Susmita Chatterjee

....for the State

Mr. Abhik Sarkar,
Mr. Barun Chatterjee

...for the private respondent no. 5

Affidavit of service filed in Court today is
taken on record.

The writ petitioner complains that the
private respondent-brother is continuing to
illegally occupy a land that he was permitted to
enter, out of love and affection. A complaint in this
regard has been filed with the Officer-in-Charge,
Sirampore Police Station.

Counsel for the petitioner also relies upon a
notice dated March 15, 2021 asking the private
respondent-brother to vacate the said premises.

This Court sees that dispute is purely
private and family in nature and the police have
absolutely no role to play whatsoever thereat.

The writ petition is thoroughly misconceived
and is dismissed with costs assessed at Rs.

2,500/- payable by the writ petitioner to the State Legal Aid Services Authority. The cost shall be paid within a month from date.

However, the Officer-in-Charge, Sirampore Police Station is directed to ensure that there is no breach of peace in the area.

Counsel for the State submits that proceedings under Section 107 of the Cr. P.C. has already been drawn up.

Since no affidavit has been used by the private respondent, the allegations made in the writ application shall not be deemed to have been admitted by this Court.

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.)