

05.08.2021
Item no.9

Aloke
Ct. no.8

Through Video Conference

W.P.A. 12126 of 2021

Chandra Sekhar Dutta
Versus
The State of West Bengal & Ors.

Mr. Mayukh Maitra, Advocate
... for the petitioner

Mr. Santanu Kr. Mitra, Advocate
... for the State

Petitioner complains of police inaction.

Learned Advocate appearing for the petitioner submits that there subsists an ad interim order of injunction passed by the High Court under Article 227 of the Constitution of India on February 17, 2020 in C.O. No. 409 of 2020. Despite such order of injunction, the private respondents are continuing to trespass into the land belonging to the petitioner. Complaints to the police did not revoke any response.

Learned Advocate appearing for the State submits on the basis of written instructions that the complaint of the petitioner was enquired into. The police found that there are disputes between the private parties which are civil in nature. The police submitted a prosecution under Section 107 of the Code of Criminal Procedure against the private respondent nos. 4 to 7 before the learned Executive Magistrate.

Since the injunction enjoyed by the petitioner at present is in the ad interim stage, further interference is not called for. The police acted on the basis of the complaint lodged by the petitioner. It cannot be said that the police are inactive.

W.P.A. 12126 of 2021 is disposed of accordingly.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all legal formalities.

(Debangsu Basak, J.)