

5.1.2021

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WPA 11095 of 2020

Gopal Santra

-vs-

The State of West Bengal & Ors.

Mr. Shounak Ghosh

Ms. Ananya Chakraborty

Mr. Rajesh Naskar

.....for the petitioner.

Mr. Pantu Deb Roy

Mr. Subrata Guha Biswas

.....for the State.

Affidavit of service filed in Court today be kept on record.

It has been submitted by the learned Advocate for the petitioner that the private respondent has duly been served. In spite of service, none appears on behalf of the private respondents.

The petitioner complains of police inaction. The petitioner alleges that the private respondent herein have threatened the petitioner to vacate the plots-in-question.

It has been further alleged in paragraph 4 of the said petition that the private respondent forcibly took a chunk of the produce of the petitioner.

However, the petitioner in paragraph 5 of the writ petition alleges that the respondent no. 2 on the basis of a complaint made by the petitioner and after hearing both the parties have taken possession of the produce of the petitioner. Thus, the statements of the petitioner is contradictory and the same cannot be given any credence.

State is represented by Mr. Deb Roy. He submits the report for prosecution under Section 107 of Criminal Procedure Code in connection with Kotulpur P.S.G.D.E. No. 390, dated 7.11.2020. Let such report be kept with the record.

It appears from the statements made in the writ petition that the dispute between the petitioner and the private respondents with regard to the plots-in-question is civil in nature. Such disputes between private parties cannot be decided by writ court.

The police has taken steps on the complaint made by the petitioner. Thus the

allegations of police inaction made by the petitioner is without any basis. Accordingly WPA 11095 of 2020 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all formalities.

(Hiranmay Bhattacharyya,J)