

28.09.2021
Sl. No.66
akd

***Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction***

W.P.A. 987 of 2021 [via video conference]

[Sri Kalachand Mandal -Vs- The State of West Bengal & Ors.]

Mr. Biplab Sengupta
Mr. Alok Bhowmik
Ms. Rupa Mallick
... ... for the petitioner

Mr. Hirak Barman
Ms. Bedashruti Bose
... ... for the State

The writ petitioner complains that the private respondents have wrongfully and illegally occupied the land belonging to him. They are on the verge of organizing a puja festival on his land. The petitioner has registered a complaint with the New Jalpaiguri Police Station which has been registered as FIR No. 1218 of 2020 dated 10.10.2020 under Sections 447/34 of the Indian Penal Code. The petitioner has also filed a civil suit being Title Suit No. 206 of 2020 before the learned Civil Judge (Junior Division) at Jalpaiguri and has applied under Order 39 Rules 1 & 2. The remedy of the petitioner is, therefore, to seek orders of the civil court since the matter has already been taken up in the form of a civil proceeding.

Insofar as the FIR is concerned, the Officer-in-charge, New Jalpaiguri Police Station shall conclude investigation into the same and file a report before the jurisdictional Magistrate mandatorily and positively within a

period of one month from date. A copy of such report shall be made available to the writ petitioner. The petitioner may take appropriate steps against such report in accordance with law.

The Officer-in-charge, New Jalpaiguri Police Station is also directed to ensure that there is no breach of peace in the said area.

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

The report of the Commissioner of Police, Siliguri Police Commissionerate dated 22nd September, 2021 is taken on record.

There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)