

S/L 168
29.06.2022
Court. No. 19
GB

WPA 1349 of 2022

Biren Das
VS
The State of West Bengal & Ors.

*Mr. Birendra Kumar Jha,
Mr. Anish Das.*

...for the Petitioner.

*Mr. Jishnu Chowdhury,
Ms. Amrita Panja Mallick.*

...for the State.

*Mr. Debojit Sur,
Mr. Angshuman Patra,
Mr. Himadri Shekhar Pal,
Mr. Santanu Chakraborty.*

...for the Respondent No.7.

Affidavit-of-service filed in Court today, be kept with the record.

The primary complaint of the petitioner is that the respondent nos.6 and 7 have constructed illegally by encroaching the land of the petitioner. It is alleged that despite several complaints before the police authorities, the Officer-in-Charge, Chanditala Police Station, District-Hooghly, failed and neglected to take steps.

It is submitted on behalf of the respondent no.7 that the father of the petitioner was a licensee in respect of the property of the petitioner. The father had constructed a house and the respondent no.7, is residing in the said house as an heir of the original licensee.

Denying such submission, it is alleged by the petitioner that a completely new building had been constructed on the land, without any permission from the competent authority.

Clearly, the dispute appears to be civil in nature. The remedy of the petitioner with regard to the alleged violation of the Panchayat Act, Rules and Regulations thereunder, is before another forum and also before the authorities. The Officer-in-Charge, Chanditala Police Station has filed a report, from which it appears that a hot altercation took place between the parties. The said dispute continued to escalate. On October 13, 2021, both the parties filed written complaints before the concerned police station. On the basis of the complaint lodged by the respondent no.6, Chanditala P.S. Case No.394 of 2021 dated October 13, 2021 was registered under Sections 341/447/323/325/354B/379/506/34 of the Indian Penal Code. On the basis of the complaint lodged by the petitioner, Chanditala P.S. Case No.395 of 2021 dated October 13, 2021 was registered under Sections 341/325/379/506/34 of the Indian Penal Code. Both the investigations have resulted in the filing of charge-sheets and the matter is now pending before the learned Jurisdictional Magistrate.

Under such circumstances, the Court is of the view that the police authorities have taken adequate steps with regard to the law and order situation and the conflicts and disputes, which had arisen between the parties. The dispute with regard to title etc, cannot be decided by this court.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)