

2.8.2022
Sl.No.377
sn

W.P.A. No. 4162 of 2021
Sital Chandra Das & Ors.
Versus
The State of West Bengal & Ors.

Mr. Apurba Ghanti
Ms. Priti Jain

... for the petitioners

Mr. Lalit Mohan Mahata
Mr. Kapil Guha

..for the State

Mr. Sudarshan Ghosh

..for the respdts.6-11

The petitioners allege police inaction.

According to the petitioners, the respondent nos. 6 to 11 have been continuously disturbing the peaceful possession of the petitioners in respect of 16 decimal of land situated at plot no.641, Mouza Dalpara. The petitioners are using the said land for cultivation. The names of the petitioners have been recorded in the land records. The respondent no.6 claims to be owner of 5 decimals of land out of those 16 decimals. The respondent nos. 6 to 11 reside in plot nos. 1043 and 1044 of the same mouza.

It is alleged that the said respondents and their family members destroyed the rose garden of the petitioners and demolished the boundary wall. The respondent no.7 being a civic volunteer also threatened the petitioners. Sometime in February, 2020, the respondent nos. 6 to 11 went to the land

of the petitioners with deadly weapons and attacked them.

The police report is taken on record.

It appears that there is a dispute with regard to the lands purchased by the petitioners.

On the basis of the specific written complaint filed by the petitioners dated November 11, 2020, Panskura Police Station Case No.382 of 2020 dated November 12, 2020 under Sections 341/323/325/506/34 of the Indian Penal Code was registered. Upon completion of the investigation, a charge sheet vide Panskura Police Station Charge Sheet no.142 of 2021 dated April 27, 2021 under Sections 341/323/325/506/34 of the Indian Penal Code was submitted.

On the basis of the complaint received through the learned Magistrate dated February 28, 2021, alleging criminal trespass, abuse of petitioner's wife, outraging the modesty of the female members and theft, Panskura Police Station Case No. 246 of 2021 dated June 4, 2021 under Sections 447/323/325/354B/307/ 506/379/ 34 of the Indian Penal Code was registered. Upon completion of the investigation, charge sheet has been filed vide Panskura Police Station Charge Sheet No.142 of 2021 dated April 27, 2021.

On the other hand, the wife of the respondent no.7 filed a complaint against the petitioners on August 6, 2021, Panskura Police Station Case No. 160 of 2021 dated April 6, 2021 was registered under Sections 341/323/325/354/506/34 of the Indian Penal Code. Upon completion of the investigation, charge sheet has been filed.

With regard to the proceedings under Section 144(2) of the Code of Criminal Procedure, the police authorities have already submitted a prosecution under Section 107 of the Code of Criminal Procedure against the respondent nos. 6 to 11.

Under such circumstances, the allegation of police inaction does not survive.

The parties are at liberty to get their right, title an interest with respect to the property in question be adjudicated by a Civil Court.

The other rights of the petitioners before the Criminal Court are kept open. The police shall maintain peace and tranquillity in and around the said land.

This writ petition is disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)