

S/L 198
30.06.2022
Court. No. 19
GB

WPA 3530 of 2022

Asgar Nekari
VS
The State of West Bengal & Ors.

*Mr. Debasis Sur,
Mr. Angshuman Patra.*

...for the Petitioner.

*Mr. Jishnu Chaudhury,
Mr. Amritlal Chatterjee.*

...for the State.

*Mr. Bhabani Prasad Mondal,
Mr. Sukanta Mondal,
Mr. Kaustav Chatterjee.*

...for the Respondent Nos.4 to 7.

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

The petitioner claims to be the owner of 8 decimals of
land situated at Plot No.434/868 of Mouza-Chandinagar.
The allegation is that the respondent nos.4 to 7 have tried to
create a disturbance and had attempted to encroach into the
area, owned and occupied by the petitioner.

Mr. Mondal, learned advocate appearing on behalf of
the respondent nos.4 to 7 submits that 10 decimals of the
said plot has been settled by a patta in favour of the said
respondents. Records of rights have been prepared.

The police authorities have filed a report indicating
that on enquiry it was revealed that the dispute is civil in
nature. On the complaint lodged by the petitioner, an
enquiry was made and prosecution under Sections
107/116(3) of the Code of Criminal Procedure was submitted
against the respondent nos.4 to 7. It also appears that as per
the direction of the learned Sub-Divisional Executive

Magistrate, under Section 144(2) of the Code of Criminal Procedure, necessary enquiry was made and a report was filed. The police report is taken on record.

Under such circumstances, the police authorities cannot further intervene in the dispute raised by the petitioner. All that the police authorities are required to ensure is that the parties do not engage in any altercation, which may lead to a law and order problem.

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 their server copy of this order.

(Shampa Sarkar, J.)