

30.8.2022
Sl.No.579
sn

WPA 3895 of 2022

**Gosta Bihari Dalapati
Vs.
The State of West Bengal & Ors.**

**Mr. Bhaskar Chandra Manna
..for the petitioners
Mr. Subhabrata Dutta
Mr. Benazir Ahmed
..for the State
Mr. Radhashyam Maity
Mr. Monoranjan Jana
..for the respdt.7**

The police report is taken on record.

It appears that on the complaint filed by the petitioner, which was received by the police authorities through post, Ganga Sagar Coastal Police Station Case No.47 of 2019 dated May 7, 2019 under Sections 447/379/323/354B/34 of the Indian Penal Code was started. After completion of the investigation, a final report vide Ganga Sagar Coastal Police Station FR no. 74 of 2019 dated August 27, 2019 under Section 506 of the Indian Penal Code, was submitted against the FIR named accused persons.

Again, on December 18, 2021 on the complaint lodged by the petitioner, Ganga Sagar Coastal Police Station Case No. 128 of 2021 under Sections 447/341/188/506/379/34 of the Indian Penal Code was registered. The investigation is in

progress. The enquiry also reveals that the petitioner had not cultivated the land since 2020.

Learned advocate for the respondent no.7 submits that the petitioner obtained an ex parte decree. The ex parte decree was challenged and a misc. case is pending. Patta had been granted in favour of the petitioner allegedly at the age of 14 years. The patta has also been challenged by the respondents before the appropriate forum.

Under such circumstances, the grievance of the petitioner has been met.

The police authorities have registered an FIR against the respondents. Other issues with regard to the right of the petitioner to cultivate, cannot be decided by this Court. The police report also states that there has been no cultivation on the land since 2020.

If at future date, the right of the petitioner to cultivate on said land is determined by the court and the petitioner approaches the police authorities, the police authorities shall render all assistance to the petitioner.

This writ petition is disposed of. The police will maintain peace.

There will be, however, no order as to costs.

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

(Shampa Sarkar, J.)