

16.06.2022
Court No. 19
Item no.54
CP

WPA No. 4605 of 2022

Sri Srikumar Singha Roy
Vs.
The State of West Bengal & ors.

Mr. Dipankar Saha
Mr. Anirban Das
Mr. S. K. Das

....for the petitioner.

Mr. Jishnu Chowdhury
Mr. Sutanu Chakrabarti

....for the State.

The postal articles with the endorsement 'Refused' are taken on record. The respondent nos. 4 to 8 have refused service. The matter is taken up in their absence.

The dispute is with regard to cultivation of land situated at Plot No. 241/1475, in Mouza – Atghoria, District – Burdwan, under Police Station – Kalna.

The petitioner claims that the title of the petitioner in respect of the property in question was established in Title Suit No. 47 of 2003. The allegation is that the respondent nos. 4 to 8 have been constantly disturbing the petitioner during cultivation. A complaint was lodged before the Officer-in-Charge, Bulbulitala Police Station on July 17, 2019. The police authorities failed to take steps and an application was filed under Section 156(3) of

the Cr.P.C. The application was allowed by the learned Magistrate. Thereafter an FIR was registered.

The police authority files a report from which, it appears that Kalna P.S. Case No. 79 of 2020 dated February 3, 2020 under Sections 448/323/379/504/34 of the Indian Penal Code had commenced. Investigation was completed and a charge-sheet was filed against five persons vide Kalna P.S. Charge-sheet No. 220 of 20. It further appears that Kalna PS Case No. 673/20 dated November 3, 2020 was once again initiated on the complaint of one Menoka Mahato which also ended with the filing of a charge-sheet. The report is taken on record.

Thus, the court does not find that the police authorities have failed and neglected to perform their duty.

However, if the petitioner approaches the police authorities alleging commission of any cognizable offence with regard to the enjoyment of the land in question, the police authorities shall act and proceed in accordance with law.

The question of title shall not be decided by the police authorities.

The writ petition is disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)