

8.8.2022
Sl.No.6
sn

W.P.A. No.4960 of 2022

Abdul Halim Molla

Versus

The State of West Bengal & Ors.

Mr. Mritunjoy Halder

... for the Petitioner.

Ms. Amrita Panja Moulick

...for the State

Despite service, none appears on behalf of the respondent nos. 5 to 11. Let the affidavit of service be taken on record.

The petitioner alleges that the Inspector-In-Charge, Falta Police Station, has failed and neglected to act on the basis of the complaint lodged by the petitioner against the respondent nos. 5 to 11. According to the petitioner, the respondent nos. 5 to 11 have been trying to illegally grab the private property of the petitioner. The petitioner claims to be in possession of the property in question.

The police authorities have filed a report. The same is taken on record. It appears that on receipt of the complaint of the petitioner, an enquiry was made. It appears that the disputes between the petitioner and the respondent nos. 5 to 11, were over some sale deeds, which had been allegedly executed some time in 2019.

The respondent nos. 6&8 were aggrieved as the land which they had inherited, had been illegally sold to the petitioner on the basis of execution of fake deeds. They raised objections and there was an altercation.

The police authorities made some query and it was found that the petitioner had purchased 1 decimal of land in L.R. Dag No. 136, L.R.KhatianNo.265, Mouza Rukia from one Saiyad Ali Mondal by a deed no. 562698 of 2019 which was duly registered at ADSR, Falta. Surprisingly, the said seller died 30 years ago. Another deed was found bearing no. 1619-00818 of 2018 dated April 25, 2018. By the said deed, the petitioner purchased 6.95 decimal of land vide L.R. dag nos. 35,138,159,161,162,163,164 pertaining to Khatian no.599, Mouza Rukia from one Sahera Bibi. It was found that the Sahera Bibi died 34 years ago.

The police authorities came to learn about similar other fraudulent activities of the petitioner. The respondent nos. 5 to 11 who were present before the police authorities during the enquiry submitted that they were taking steps before the appropriate forum with regard to the aforementioned deeds. It also appears from the records that the respondent nos.5 to 11 were residing near the said land. When the respondents came to know about such alleged

fraudulent transfer, they confronted the petitioner and the petitioner fled from the property. Till the date of report, which was prepared on May 11, 2022, the petitioner had not returned.

On the allegation of threats and intimidation, the police authorities visited the locale and submitted a prosecution under Section 107 of the Code of Criminal Procedure against the respondent nos. 5 to 11. The child and wife of the petitioner are residing in the premises peacefully and the police authorities had visited the said residence on several occasions. It is also stated that the situation is peaceful.

On the basis of the facts which have been narrated hereinabove, this Court is of the view that the petitioner cannot be armed with any order of injunction or protection with regard to the property in question. However, the police authorities will keep a vigil and ensure that there is no breach of peace and no untoward incident takes place.

This order shall not be construed as a declaration of the right of the petitioner in respect of the property in question and also shall not be construed as an acceptance of correctness of the allegation made by the petitioner in this writ petition. The question of legality of the deeds, right,

title and interest of the parties are matters for adjudication by the civil court.

This order shall also not prevent the respondent nos. 5 to 11 from taking appropriate steps against the petitioner, in accordance with law.

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.)