

18.07.2022
Court No. 19
Item no.443(ML)
srm

W.P.A. No. 8374 of 2022

Sri Uttam Kumar Das

versus

The State of West Bengal & Ors.

Mr. Saibal Acharyya,
Mr. Pradip Paul

.....for the Petitioner.

Ms. Chama Mookherji
Mr. Gourav Das

...for the State-respondents.

Sk. Rejaul Alam

...for the Respondent Nos.8 to 15.

The petitioner claims to be a '*patta*' holder in respect of the Plot No.13 of Mouza Chakchandpal under the jurisdiction of Sabang Police Station. According to the petitioner, the land had been classified as '*pukurpar*'. The allegation is that the respondent Nos.8 to 15 have been disturbing the petitioner's possession and have constructed a party office. It is alleged that although a complaint had been lodged before the Sabang Police Station, no steps have been taken by the police authorities to protect the property of the petitioner.

The police report is taken on record. It appears that on the basis of the complaint submitted by one Smt. Sabita Das, elder sister of the petitioner, and Sri Narayan Das, brother of the petitioner, two FIRs were registered *vide* Sabang Police Station Case No.372 of 2021 dated December 3, 2022 under Sections 420/465/34 of the Indian Penal Code and Sabang Police Station Case No.373 of 2021 dated December 3, 2022 under Sections 420/465/34 of the Indian Penal Code.

During investigation of Sabang Police Station Case No.372 of 2021, a '*patta*' was seized. The said '*patta*' had been issued by the Block Land and Land Reforms Officer, Sabang Block, in the name of the respondent No.10. The '*patta*' covers an area of 3 decimals in Plot No.13 of Mouza Chakchandpal. The complainant was served a notice under Section 91 of the Code of Criminal Procedure calling upon her to produce the original '*patta*' of the land. One Sanjay Ghorai was served notice under Section 41A of the Code of Criminal Procedure. The police authorities have also sent a query to the Block Land and Land Reforms Officer, Sabang Block, for a report on the status of the land and ownership and possession thereof. The report is still awaited. In the course of investigation, it was learnt that Sri Sanjay Ghorai

sold the land to Smt. Sabita Das and Sri Narayan Das. The police authorities have already contacted the office of the Additional District Registrar, Sabang for verification of the sale deed, etc. The accused persons were served notices under Section 41A of the Code of Criminal Procedure. They prayed for anticipatory bail. The prayer for anticipatory bail was refused. The accused persons are now absconding, according to the police report.

It is submitted by the learned Advocate for the respondent Nos.8 to 15 that they are also '*patta*' holders in respect of the same plot and they are possessing their respective shares. However, the police report indicates that, on an enquiry from the local people, it was learnt that the land had vested to the State of West Bengal and '*pattas*' were given to certain persons, but no formal demarcation had been made.

As the police investigation is continuing and the Block Land and Land Reforms Officer, Sabang Block is yet to file a report, this Court is of the view that the investigation, so initiated, must be reached to its logical conclusion, in accordance with law. The police shall keep a vigil so that no further untoward incident takes place.

This order shall not have any influence on any other proceeding that may be initiated by the parties before the appropriate forum.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)