

25.07.2022
Sl. No.474(ML)
srm

W.P.A. No. 9334 of 2022
Smt. Shila Rani Jana & Anr.
Versus
The State of West Bengal & Ors.

Mr. Prasanta Bishal
...for the Petitioners.

Mr. Amal Kumar Sen,
Mr. Jaladhi Das
...for the State-respondents.

Mr. Amitabha Karmakar,
Mr. Arup Kumar Bhowmick
...for the Respondent Nos.5 to 9.

Affidavit-of-service is taken on record.

The petitioners allege illegal fencing of a vacant land belonging to the petitioners and attempts at encroachment, made by the respondent Nos.5 to 9.

According to the petitioners, although a complaint was filed before the Officer-in-Charge, Haldia Police Station on March 15, 2022, no steps had been taken by the police authority. The complaint dated March 15, 2022 discloses that the respondent Nos.5 to 9 forcibly encroached into the land of the petitioners during the time of Covid. When the petitioners protested, the said respondents threatened the petitioners with dire consequences.

The police report is taken on record, from which it appears that the dispute is with regard to Dag No.265/393 of Mouza Rayrainchak under the jurisdiction of the Haldia Police Station. Disputes had been going on between the parties since long. Haldia Police Station Case No.18 of 2021, Haldia Police Station Case No.20 of 2021 and Haldia Police Station Case No.23 of 2021 had been registered over similar incidents and the investigations are pending.

It appears that again on March 15, 2022, the petitioners lodged a general diary, against the respondent Nos.5 to 9 and Haldia PS NCR No.794 of 2022 dated March 21, 2022 under Section 107 of the Code of Criminal Procedure was submitted against the said respondents. Another petition was forwarded by the Superintendent of Police, Purba Medinipur. After enquiry, prosecution under Section 107 of the Code of Criminal Procedure was, once again, submitted against the respondent Nos.5 to 9.

Although, the police authorities, found that the dispute between the parties was civil in nature, on the apprehension of breach of peace, prosecutions under Section 107 of the Code of Criminal Procedure were submitted on two occasions. The police authorities have also maintained a vigil in order to ensure that no untoward incident takes place.

Under such circumstances, this writ petition is disposed of with a direction upon the Inspector-in-Charge, Haldia Police Station to maintain a strict vigil so that the parties do not engage in any further criminal activities.

The remedy of the respective parties before the appropriate forum, is kept open. The pending investigations must be concluded in a free and fair manner.

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.)