

05.07.2022
Sl. No.47(ML)
srm

W.P.A. No. 10027 of 2022

Akibar Khan

Versus

The State of West Bengal & Ors.

Mr. Goutam Banerjee,
Mr. Sandip Kumar Mondal

...for the Petitioner.

Mr. Raja Saha,
Ms. Piyali Sengupta

...for the State-respondents.

Affidavit-of-service is taken on record.

The petitioner alleges inaction of the Officer-in-Charge, Harwood Point Coastal Police Station, District-South 24-Parganas. According to the petitioner, the respondent No.5 had been continuously harassing and threatening the petitioner over a dispute with regard to the land. Complaints were filed by the petitioner before the concerned police station on a number of occasions. It is alleged that the police authorities have failed and neglected to ensure that the petitioner is neither disturbed nor caused any injury by the respondent No.5.

The police report is taken on record. It appears that the dispute is with regard to cultivation on certain lands situated within the jurisdiction of the concerned police

station. The police enquiry revealed that there has been a long standing dispute between the petitioner and the respondent No.5 over LR Dag Nos.5552, 5651, 5650, 5649, 5765, RS Dag No. 2811, LR Dag No.3822, Mouza-Sitarampur, District-South 24-Parganas.

Over such land dispute, the parties had quarrelled and a general diary was entered by the police authorities on December 30, 2020. After enquiry, prosecution under Section 107 of the Code of Criminal Procedure was submitted against the respondent No.5. The petitioner also filed an application before the learned Executive Magistrate, Kakdwip under Section 144(2) of the Code of Criminal Procedure and the police authorities enquired into the same and filed a prosecution under Section 107 of the Code of Criminal Procedure against both the petitioner and the respondent No.5. Parties have been directed to maintain peace and tranquility. During further enquiry over the complaint of the petitioner, Harwood Point Coastal Police Station Case No.8 of 2021 dated January 9, 2021 had been initiated. After completion of the investigation, charge sheet had been submitted against the respondent No.5.

Although the dispute is civil in nature and the right, title and interest of the petitioner in respect of the

property, cannot be decided by the police authorities, yet, the police authorities are bound to ensure that law and order is maintained. A vigil shall be kept, so that further untoward incident over such cultivation, can be avoided.

The writ petition is, thus, 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.)