

24.06.2022
Court No. 19
Item no.35
CP

WPA No. 10243 of 2022

Bijan Biswas
Vs.
The State of West Bengal & ors.

Mr. Susnigdho Bhattacharya
Mr. Debapriya Majumder
....for the petitioner.

Mr. Ashim Kr. Ganguly
Mr. Supratim Dhar
...for the State.

Mr. Subhrajit Saha
Mr. Biswajit Saha
....for the respondent nos. 6 to 11.

The petitioner alleges encroachment by the respondent nos. 6 to 11. It is the contention of the petitioner that when the petitioner was in Allahabad, the said respondents had attempted to take forceful possession of some portion of the land of the petitioner. When the petitioner protested against such attempts, the petitioner was badly assaulted. Accordingly, the petitioner lodged a complaint with the Officer-in-charge, Gopalnagar Police Station. It is further submitted that on the basis of the first compliant, investigation was initiated and, thereafter, the same was reached to its logical conclusion. Charge-sheet has been filed. The matter is pending trial.

The petitioner alleges that he was once again beaten up. He approached the police authorities, but the police authorities did not take steps, on the basis of the second complaint. The police authorities have filed a report. It appears that an enquiry was held. Both the parties were directed to maintain peace and tranquility. Report for prosecution under Section 107 of the Cr.P.C. was filed. The report indicates that there has been a long standing civil dispute between the parties.

Having gone through the report and having heard the learned advocates for the respective parties, this court is of the view that the police authorities must keep a strict vigil and ensure that the parties maintain peace and tranquility so that no untoward incident takes place.

The dispute with regard to title and encroachment must be decided by a civil court.

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.)