

8.7..2022
Court No. 19
Item no.75
sn

WPA No. 11011 of 2022

Abdul Alim Purkait & Ors.
Vs.
The State of West Bengal & ors.

Mr. Nitai Chandra Saha
Mr. A. C. Majumder
....for the petitioners

Ms. Sudipa Ray
Mr. Tarak Karan
....for the State.

Mr. P.K. Chatterjee
Mr. Chittapriya Ghosh
Ms. Priyanka Saha
...for the respondent no.5

Clearly, the dispute is over right, title and interest in respect of a plot of land. The petitioners as also the respondent no.5 claim title over the said property. Complaints were lodged before the concerned police station, alleging that the respondent no.5 had obstructed the construction of a boundary wall.

Upon receipt of the complaint, the police authorities enquired into the matter on June 15, 2022. The concerned police personnel from Kultali Police Station visited the land and met the petitioner no.1 and his brothers. A registered deed was produced by the petitioners indicating that in the

year 2020, they had purchased the land. It was further contended by the petitioners that the respondent no.5 tried to obstruct the petitioners from taking possession and erecting a boundary wall.

The police met the respondent no.5, who was an old lady, aged about 70 years. She was unable to walk. She informed that her husband had purchased the land from Nakuleswar Tungo and Amulya Charan Tungo in the year 1974 and since then her family members have been in possession of the said land. From the local people, it was learnt that there used to be a thatched hut on the disputed land. The same was erected by the respondent no.5. She used to live there. After the thatched hut was destroyed during 'Aaila', the respondent no.5 started living with her relatives. The respondent no.5 produced the title deed of the year 1974.

Thus, the police authorities were of the opinion that the dispute with regard to the title and possession of land could not be gone into. The complaint filed by the petitioners did not disclose commission of any cognizable offence.

There are rival claims to the property. The respondent no.5 was found to be in possession. Local enquiry also revealed the factum of possession of the respondent no.5.

Under such circumstances, the allegation of police inaction, that is, failure of the police authorities to stop the obstruction caused by the respondent No.5, is not substantiated. Such dispute cannot be decided either by this Court or by the police authorities. However, in order to prevent any untoward incident, the police authorities shall keep a strict vigil.

The police report is taken on record.

This writ petition is disposed of.

There will be, however, no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)