

3.8.2022
Sl.No.17
sn

W.P.A. 11064 of 2022

Manish Kishore Nag

Versus

The State of West Bengal & Ors.

Mr. Rameswar Sinha

... for the petitioner

Ms. Sonal Sinha

Ms. Sangeeta Roy

Mr. Dipankar Ghosh ..for the State

Mr. K.M. Hossain ..for the respdts.6-12

The petitioner alleges inaction on the part of the Officer-In-Charge, Onda police Station. According to the petitioner, the respondent nos. 6 to 12 have been stealing fish from the pond of which the petitioner claims to be a lessee. According to the petitioner, the said respondents have been continuously disturbing the petitioner's business.

Learned advocate for the respondent nos. 6 to 12 submits that the pond was leased out to them by the recorded owner Tarapada Dandapath & others . The alleged Basudev Singha, from whom the petitioner claim to have taken the lease, was not the recorded owner. Over such dispute, a civil suit is pending. Basudev Sinha & others, the alleged lessors of the petitioner filed a suit being Title Suit No. 154 of 2012 in respect of the said pond. The order of injunction which had been passed had ultimately been vacated.

It is further submitted that on the complaint of the petitioner, the police authorities registered an F.I.R. and upon completion of the investigation, the charge sheet has been filed. The respondent nos. 6 to 12 are on bail. Thus, under such circumstances, the writ petition is not maintainable.

The police authorities have filed a report. It appears that on the application of the petitioner before the learned Chief Judicial Magistrate, Sadar Court, Bankura, and the order passed therein, Onda Police Station Case No. 03 of 2022 dated January 1, 2022 under Sections 447/379/506/427/34 of the Indian Penal Code was registered. Upon completion of the investigation, the charge sheet was filed on January 27, 2022 under Sections 447/379/506/427/34 of the Indian Penal Code against the respondent nos. 6 to 8 and 10 to 12.

Subsequently, again on a complaint lodged by the petitioner, an enquiry was made. A prosecution under Section 107 of the Code of Criminal Procedure was submitted by the police authorities.

Under such circumstances, this Court is unable to pass any further orders in this writ petition. However, the police authorities shall keep a vigil in order to ensure that no untoward incident takes place.

This Court has not gone into the question of rights of the parties who claim to be lessees on the basis of their respective lease deeds. Such issue shall be decided by the civil court.

This writ petition is 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.)