

26.07.2022
Sl. No.18(SL)
srm

W.P.A. No. 11072 of 2022

Khagen Sardar & Anr.

Versus

The State of West Bengal & Ors.

Mr. Tapas Kumar Majumder,
Mr. Partha Pratim Bhattacharjee

...for the Petitioners.

Mr. Partha Pratim Roy,
Mr. Ram Chandra Guchhait

...for the State-respondents.

Mrs. Malabika Ray Dey,
Mr. Arnab Mandal

...for the Respondent Nos.6 to 13.

Affidavit-of-service is taken on record.

The petitioner alleges inaction of the Officer-in-Charge, Basirhat Police Station. The allegation is that the respondent Nos.6 to 13 have been continuously trying to grab the property of the petitioners.

Earlier, the predecessors-in-interest of the said respondents filed a title suit being Title Suit No.151 of 1994 before the learned Civil Judge (Junior Division), 3rd Court at Basirhat, North 24-Parganas. The learned Court below dismissed the suit, *inter alia*, finding that the predecessor-in-interest of petitioners were the original owners. The title appeal from the said judgement, was also dismissed.

According to the police authorities, the respondent Nos.6 to 13 had started encroaching the land of the petitioners. Prosecution under Section 107 of the Code of Criminal Procedure dated May 15, 2022, against the respondent Nos.6, 7, 8, 9 and 13, was submitted. The said respondents were directed to maintain peace and tranquility. Other two alleged persons, namely, Ram Sardar and Sam Sardar expired long ago. The police report is taken on record.

Under such circumstances, the writ petition is disposed of with a direction upon the Officer-in-Charge, Basirhat Police Station to protect the property of the petitioners on the basis of the judgment of the learned civil court and also maintain peace and tranquility. The remedy of the parties with regard to the property in question, if any, before the appropriate forum, is kept open.

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.)