

21.06.2022
Court No. 19
Item no.79
CP

W.P.A. No. 12868 of 2021

Ananda Sardar
Vs.
The State of West Bengal & Ors.

Mr. Animesh Mookerjee
Md. Ali Ahasan
....for the petitioner.

Ms. Chama Mookherji
Ms. P. Pal
....for the State.

Despite service none appears on behalf of the
respondent nos. 7 and 8.

It is alleged that the Officer-in-Charge, Basanti
Police Station has failed and neglected to act on the
basis of the compliant filed by the petitioner dated
March 1, 2021.

The dispute is allegedly with regard to
cultivation on certain plots of land within the
jurisdiction of the said police station.

The petitioner claims to be a bargadar in
respect of the lands in question and alleges that the
respondent nos. 7 and 8 obstructed the petitioner
from cultivating on the said lands.

It is specifically stated that the owners of the
lands do not have any objection if the petitioner
cultivates on the said land.

Having heard the learned advocate for the petitioner, it appears that the dispute is primarily over a plot of land. Such dispute has to be decided by the appropriate civil court.

The police authorities have filed a report. It appears that the dispute is between the petitioner and the petitioner's sister with regard to the cultivation on a plot of land which is an ancestral property.

As the dispute was found to be civil in nature, the police authorities directed both the parties to maintain peace and tranquility and a report for prosecution under Section 107/116(3) of the Cr.P.C. was submitted.

The wife of the petitioner also lodged a complaint alleging that the respondent no. 7 had assaulted the petitioner. Such complaint was registered as Basanti PS Case No. 49/21 dated January 24, 2021 under Sections 341/323/325/354 and 506 of the Indian Penal Code against the respondent no. 7. The respondent no. 7 was arrested on January 24, 2021. After completion of the investigation, charge-sheet vide Basanti PS C.S. No. 10/21 dated January 26, 2021 under Sections 341/323/325/506 of the Indian Penal Code had been filed.

Under such circumstances, this court finds that the police authorities have acted on the complaint lodged and have completed the investigation by filing the charge-sheet.

Thus, nothing survives to be decided in the writ petition.

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.)