

12.08.2022
Sl. No.5(SL)
srm

W.P.A. No. 11812 of 2022

Biswajit Halder & Ors.

Versus

The State of West Bengal & Ors.

Mr. Sudarshan Ghosh

...for the Petitioners.

Mr. Sadhan Kumar Halder,
Mr. Bellal Shaikh

...for the State-respondents.

Despite service, none appears on behalf of the respondent Nos.4 to 6.

The petitioner alleges that the respondent Nos.4 to 6 have been continuously disturbing the possession of the petitioner in respect of Plot Nos.299 and 302 pertaining to RS Khatian No.2275, J.L. No.29 in Mouza-Sahajadapur, District-South 24-Parganas. The petitioner claims to be the owner of the property, through inheritance. The petitioner also filed an application before the learned Executive Magistrate, Baruipur, being MP Case No.868 of 2022. It is alleged that the respondent Nos.4 to 6 illegally trespassed into the land of the petitioner with deadly weapons. The allegation is that although the police authorities registered two general diaries on the basis of the complaint of the petitioner, no steps have

been taken to prevent the respondent Nos.4 to 6 from committing the alleged offences.

The police report is taken on record. It appears that there is a long standing dispute between the petitioner and the respondent Nos.4 to 6 with regard to the ownership and possession of Plot Nos.299 and 302. On the basis of the order passed by the learned Executive Magistrate, Baruipur, the police authorities made an enquiry and submitted a prosecution under Sections 107 and 116(2) of the Code of Criminal Procedure. The police authorities are keeping a sharp vigil.

Having considered the rival contentions of the parties, this Court is of the view that the police authorities must keep a sharp vigil in and around the plots in question and ensure that no untoward incident takes place. Steps shall also be taken in order to maintain peace.

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.)