

July 22, 2022
Sl. No. A 170
Court No.19
s.biswas

WPA 12757 of 2022
Chandrakanta Dalui
vs.
The State of West Bengal and others

Mr. Raju Mondal, Advocate
... for the petitioner
Ms. Sonal Sinha,
Ms. Sangeeta Roy, Advocates
... for the State

The petitioner alleges that the Officer-in-Charge, Raina Police Station failed and neglected to take steps despite complaints having been filed against the respondent nos.7 to 11.

Affidavit of service filed on behalf of the petitioner is taken on record.

None appears on behalf of the respondent nos.7 to 11.

The police report is taken on record.

It appears that since 2019 there has been a dispute between the petitioner and the respondent nos.7 to 11, over enjoyment of certain lands. The police authorities have confirmed that on January 20, 2022 an order was passed by the learned Sub-Divisional Executive Magistrate, restraining the respondent nos.7 to 11 from entering into the suit land.

On June 14, 2022, the petitioner lodged another complaint with regard to alleged threat of dispossession. A general diary was registered. Upon inquiry, prosecution under Sections 107/116(3) of the Code of Criminal Procedure was submitted against the parties.

On June 30, 2022, the petitioner once again filed a complaint. On the basis of such complaint, Raina Police Station Case No.218 of 2022 dated 30.06.2022 under Sections 447/188/511/427/506/34 of the Indian Penal Code had been registered. The investigation is in progress.

Enquiry revealed that there was a temporary wall in the eastern and southern side of the said plot and a bamboo fence had been erected in the western side of the said land. The respondent nos.7 to 11 were restrained from raising any further construction.

Under such circumstances, the writ petition is disposed of with direction to the concerned police authorities to complete the investigation in a free, fair and proper manner. The other remedies of the petitioner with regard to enjoyment of the said land in question, alleged dispossession etc. must be filed before the appropriate Civil Court.

The writ petition is, thus, disposed of.

There will be no order as to costs.

All the parties shall act on the server copy of this order.

(Shampa Sarkar, J.)