

27.06.2022

Sl. No.160

ss

W.P.A. 13860 of 2021

Hakim Mondal & ors.

Vs.

The State of West Bengal & ors.

Mr. Sudarshan Ghosh

... for the petitioners

Mr. Jishnu Chowdhury

Mr. Amrita Panja Moulick

... for the State

Affidavit of service filed in Court is taken on record. Despite service none appears on behalf of the respondent nos.4 to 11.

The petitioners complain that the respondent nos.4 to 11 have been disturbing the peaceful enjoyment and possession of the petitioners in respect of the certain lands. Such lands were allegedly allotted to the petitioners, by the State of West Bengal through Pattas.

On the basis of the complaint lodged before the police authorities, Bakultala Police Station Case No.113 of 2021, dated May 8, 2021 under Sections 447, 323, 325, 188, 506, 34 of the Indian Penal Code was registered. With regard to further disturbances, G.D.E. No.307 of 2021 was also registered.

The petitioners further state that as the right, title and interest in respect of the plots in question have already been decided in favour of the

petitioners, ultimately by the Hon'ble High Court in Second Appeal No.34 of 1976, the police authorities must be directed to take appropriate steps to protect the same.

It is submitted by the police authorities that the investigation has been completed and a charge-sheet bearing No.179 of 2021, dated September 30, 2021, under Sections 447, 323, 325, 188, 506, 34 of the Indian Penal Code has been submitted against four accused persons. General Diary was registered and prosecution under Section 107 of the Code of Criminal Procedure, has been filed.

Under such circumstances, nothing remains to be decided in this writ petition.

The police authorities shall continue to ensure that law and order is maintained and the petitioners are not disturbed in any way. The other issues with regard to right of the petitioners as patta-holders vis-à-vis the respondent nos.4 to 11, are not decided in this proceeding. Such issues are to be decided by the appropriate forum.

With the above observation, this writ petition is disposed of.

All parties are to act on the basis of website copy of this order.

(Shampa Sarkar, J.)