

10.8.2022
Sl.No.91
sn

W.P.A. No.13678 of 2022
Kripasindhu Das
Versus
The State of West Bengal & Ors.

Mr. Gouranga Kumar Das
... for the Petitioner
Md. Galib
Ms. Jyotsna Roy Mukherjee
..for the State

Despite service, none appears on behalf of the respondent nos.5 to 15. Let the affidavit of service be taken on record.

The petitioner alleges police inaction. According to the petitioner, despite complaints having been lodged before the Sagar Police Station, no steps have been taken by the police authorities, as yet.

The allegation is that the respondent nos. 5 to 15 had illegally trespassed into the land of the petitioner and started excavation of a drain. It appears that the Block Land & Land Reforms Officer had filed a report in a proceeding under Section 144(2) of the Code of Criminal Procedure before the Executive Magistrate sometime in 2018, indicating that a part of the alleged drain was on the land of the petitioner. Thus, there appears to be a dispute over the drain which had been allegedly constructed on the land of the petitioner, in 2018.

The allegation is that even on May 13, 2022 the respondents trespassed into the land and started re-excavating the drain.

The police authorities have filed a report. It appears that no complaint was ever received from the petitioner. One Sulochana Das, wife of the petitioner lodged a complaint, and Sagar Police Station Case No.136 of 2022 dated May 13, 2022 under Section 341/323/325/354/34 of the Indian Penal Code has been registered. It is submitted that the investigating officer took necessary action as per law. Again, another complaint was filed by the wife of the petitioner before the learned Magistrate under Section 156(3) of the Code of Criminal Procedure and on the basis of the direction of the learned Magistrate, Sagar Police Station Case No.171 of 2022 dated June 3, 2022 under Section 341/323/325/354 /427/ 379/ 506/34 of the Indian Penal Code. Both the complaints contained allegation against the respondent nos.5 to 11, who are the accused persons. It is submitted that the accused persons obtained bail upon surrendering before the jurisdictional Court. During investigation of both the cases, the investigating officer submitted a request before the learned Additional Chief Judicial Magistrate, Kakdwip on June 26, 2022 for

tagging the two cases. Such prayer was allowed on June 28, 2022. The investigation is going on.

It is submitted by Mr.Galib that the complaint dated June 22, 2022 allegedly lodged by the the petitioner's wife had not been received by the police authorities.

Under such facts and circumstances, the allegation of the petitioner of police inaction is not sustainable. The police authorities had taken adequate steps with regard to the complaints filed by the petitioner's wife. The investigation shall be concluded in a free, fair and proper manner.

The police authorities shall keep a strict vigil in order to ensure that law and order is maintained.

This writ petition is 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.)