

10.08.2022
Sl. No.95(ML)
srm

W.P.A. No. 13708 of 2022

Manik Mondal

Versus

The State of West Bengal & Ors.

Mr. Keshab Chandra Das

...for the Petitioner.

Mr. Suman Sengupta,

Mr. Subhabrata Das

...for the State-respondents.

Mr. Jyoti Prakash Chatterjee

..for the Respondent Nos.4 to 10.

Affidavit-of-service is taken no record.

The petitioner alleges that the respondent Nos.4 to 10 have been continuously disturbing the petitioner's cultivation in Plot Nos.1824, 1799 and 1878 of Mouza-Barandala, within the jurisdiction of Monteswar Police Station. It is contended that when the petitioner and his son were getting ready to plough their agricultural land, the respondent Nos.4 to 10 raised serious objection and thereafter brutally assaulted the petitioner. The petitioner lodged a complaint on June 21, 2022 against the said respondents before the Officer-in-Charge, Monteswar Police Station. The allegation is that the police authorities did not take any steps, despite having received such complaint.

Mr. Chatterjee, learned Advocate appearing on behalf of the respondent Nos.4 to 10, submits that a civil suit is pending between the parties. The dispute is with regard to demarcation of the agricultural lands.

The police report is taken on record. It appears that on receipt of the complaint, a hot altercation and scuffling had taken place between the parties over cultivation of the plots of land. An enquiry was made and a prosecution under Sections 107 and 116(3) of the Code of Criminal Procedure was submitted against one Yusuf Sk. and seven others *vide* Monteswar PS NCR No.247 of 2022 dated June 26, 2022. Apart from that, after obtaining orders from the learned Additional Chief Judicial Magistrate, Kalna, prosecution under Sections 323/506 of the Indian Penal Code *vide* Monteswar PS NCR No.254 of 2022 dated July 6, 2022 against Yusuf Sk. and seven others, has been registered. The police authorities are of the view that the *prima facie* charges against the said respondents were established.

In any event, as the police authorities have taken steps, nothing further remains to be decided in the writ petition. However, the police authorities are directed to maintain vigil so that the petitioner is neither disturbed nor harassed in any way. With regard to the title and possession

of the disputed land, the same shall be decided by the appropriate civil court.

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.)