

31.08.2022
Sl. No.8(SL)
srm

W.P.A. No. 14112 of 2022

Rezaul Islam & Ors.

Versus

The State of West Bengal & Ors.

Mr. S.P. Lahiri,
Md. Habibur Rahman,
Mr. Marghob Ahmed Salik,
Mr. Rajesh Naskar

...for the Petitioners.

Mr. Ashim Kumar Ganguly,
Mr. Bellal Shaikh

...for the State-respondents.

Mr. Partha Sarathi Bhattacharya,
Mr. Raju Bhattacharyya,
Mr. Arunava Maity,
Mr. Tanweer J. Mandal

...for the Respondent Nos.4 to 17.

The petitioners have alleged inaction of the Inspector-in-Charge, Hemtabad Police Station. According to the petitioners, the police authorities having failed in their numerous attempts to dispossess the respondent Nos.4 to 17 from their 'rayati' lands, indulged in various illegal and unlawful activities. Allegations of threat, intimidation, physical hurt, theft etc., have been made.

Mr. Lahiri, learned Advocate for the petitioners, refers to an order dated January 11, 2022 passed in Title Suit No.91 of 2021 by the learned Civil Judge, Junior Division, Additional Court at Raiganj, *inter alia*, rejecting the prayer for

temporary injunction filed by the respondent Nos.4 to 17, who were plaintiffs in the suit. Mr. Lahiri further submits that the lands in question were allowed to be retained by the petitioners as per the order of the Block Land and Land Reforms Officer.

Mr. Bhattacharya, learned Senior Advocate appearing on behalf of the respondent Nos.4 to 17, submits that the suit is pending and the right, title and interest of his clients, who allegedly were '*patta*' holders, would be decided in the suit. In the interim period, no orders should be passed in respect of the said land. He denies the allegation of commission of cognizable offence, as levelled by the petitioners.

The State-respondents have filed a report and the same is taken on record. It appears that whenever the complaints were received from the petitioners, an enquiry was made and prosecution under Section 107 of the Code of Criminal Procedure had been filed on two occasions against the respondent Nos.4 to 17. Finally, the petitioner No.3 filed a complaint on November 15, 2021 against some of the private respondents, *inter alia*, alleging that at 10.00 a.m. the said respondents entered into the disputed land and stole the paddy. The complainant and his brother were allegedly assaulted with deadly weapons and a gold chain had been snatched. Over this incident, a specific case was started being

Hemtabad Police Station Case No.317 of 2021 dated November 15, 2021 under Sections 188/447/323/325/326/307/379/506/34 of the Indian Penal Code. Upon completion of the investigation, charge sheet *vide* Charge Sheet No.389 of 2021 dated December 27, 2021 under Sections 188/447/323/325/506/34 of the Indian Penal Code, was filed against all the FIR named accused persons. The said FIR named accused persons are on interim bail.

Under such circumstances, the allegation of police inaction is not substantiated. However, the police authorities must keep a vigil and ensure that no further untoward incident takes place on the land, which is the subject matter of the suit.

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.)