

13.06.2022
Court No. 19
Item no.37
CP

WPA No. 15394 of 2021

Sri Akshay Kumar Maity @ Akshay Maity & ors.
Vs.
The State of West Bengal & ors.

Mr. Satyajit Mondal
Mr. Amar Nath Sen
Mr. Amit Bikram Mahata
....for the petitioners.

Mr. Jishnu Chaudhury
Ms. Amrita Panja Moulik
...for the State.

Mr. Salil Kumar Maiti
Ms. Pinki Saha
...for the respondent nos. 10 to 16, 18 & 19.

The writ petition has been filed for a direction upon the police authorities to take action on the basis of the General Diary bearing No. 425 of 2021 dated July 9, 2021 and also to consider the representations filed by the petitioners.

Further orders are being prayed, directing the police authorities to put an end to the construction of a drain over the 'Bastu' land of the petitioners and to remove the fencing which had been constructed allegedly by the respondent nos. 10 to 19.

Prayers for compensation for the trees which had been felled and the fishes which had been stolen from the tank of the petitioners, have been made.

The police authorities have filed a report from which it appears that a land dispute exists over Dag No. 1586/1587 in Mouza – Krishnanagar within P.S. – Sutahata. During enquiry, it was learnt by the police authorities that the dispute was with regard to drainage system in the area.

The report indicates that at present there are no fencings on the baram path. However in order to prevent breach of peace, prosecution vide NCR No. 877/21 dated August 31, 2021 under Section 107 of the Cr.P.C. has been filed by the police authorities against some of the private respondents. The police authorities are keeping a strict vigil to ensure that no breach of peace takes place.

Upon receipt of another postal complaint by the Sutahata Police Station, Sutahata P.S. Case No. 301/21 dated September 29, 2021 under Sections 447, 427, 379, 384, 506 and 34 IPC has been initiated and the investigation is pending.

Mr. Maity, learned advocate appearing on behalf of the respondent nos. 10 to 16, 18 and 19, submits that on the selfsame cause of action another writ petition being WPA 15022 of 2021 has been filed. A copy of the writ petition is handed over to the court from which it appears that the prayers in both the writ petitions are similar. The factum of filing of

WPA 15022 of 2021 has been suppressed in the writ petition.

However, as the police report indicates that the police had take steps to ensure that breach of peace does not take place and also because a further investigation is pending between the parties, this writ petition is disposed of with a direction upon the police authorities to conclude the investigation at an early date in a free and fair manner and strictly in accordance with law. The police report is taken on record.

The writ petition is disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)