

24.08.2022
Sl. No.162(ML)
srm

W.P.A. No. 14994 of 2022
Naba Krishan Bandyopadhyay
Versus
The State of West Bengal & Ors.

Ms. Sudipa Biswas
...for the Petitioner.

Mr. Subhabrata Datta,
Mr. Subhabrata Das
...for the State-respondents.

Affidavit-of-service is taken on record. Despite service, none appears on behalf of the respondent Nos.5 to 8.

The petitioner alleges that the respondent Nos.5 to 8 have been disturbing in the petitioner's cultivation on LR Dag Nos.283 and 284 under mouza Dihilapur, Block-Patrasayar, District-Bankura.

The police report is taken on record. It appears that on the information given by the petitioner on April 17, 2022 with regard to a quarrel and use of slang language by the private respondents, a general diary was registered and prosecution under Section 107 of the Code of Criminal Procedure was submitted against the said respondents with a direction upon them to maintain peace and

tranquility. Again, on June 16, 2022, a complaint was received from the petitioner by the police authorities. An enquiry was made and it appears that there was a dispute with regard to the cultivation on the land. The dispute arose when the respondent Nos.5 to 8 claimed a rival title. They claimed that they had purchased the land from the predecessor of the petitioner. The petitioner denied such sale and wanted back the possession of the land in question. The police authorities submitted a prosecution against the respondent Nos.5 to 8 on apprehension of breach of peace and asked the parties to settle the dispute before the learned civil court.

Under such circumstances, the enquiry report does not reveal that the police authorities could have taken further steps in the matter, especially because the dispute of title, enjoyment, possession, encroachment, etc. over the land in question are beyond the domain of the police.

Under such circumstances, nothing further remains to be decided in the writ petitioner. The police authorities shall maintain a vigil and ensure that peace is maintained. The petitioner is at liberty to approach the appropriate forum.

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.)