

S/L 164
27.6.2022
Court. No. 19
sn

WPA 15774 of 2021

Mangal Mondal & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Avirup Chatterjee ... for the petitioners

Ms. Chaitali Bhattacharyya
Mr. Kartick Chandra Kapas ..for the State

The petitioners allege that the Officer-in-Charge, Gosaba Police Station has failed and neglected to take steps on the basis of the complaints of the petitioners.

It is the specific contention of the petitioners that despite the petitioners having the right, title and interest over the property in question, the respondent nos. 9 to 12 encroached upon the property in question. It is submitted that the records of rights have been corrected in favour of the petitioners. The petitioners have filed a civil suit with regard to the alleged encroachment. A prayer has been made for a direction upon the police authorities to ensure that no further untoward incident takes place over the petitioners' enjoyment of the property in question.

Ms. Bhattacharyya, learned advocate for the State respondents submits that pursuant to cases and counter cases initiated by the parties before the learned Executive Magistrate in respect of under Section 144(2) of the Code of Criminal Procedure, the

police authorities have take adequate steps to maintain peace and tranquility in the locality.

Prosecution under Sections 107/116(3) of the Code of Criminal Procedure has been filed against both the parties. Parties have been directed to maintain law and order.

The civil disputes between the parties over the encroachment and assertion of title, are not gone into by this Court. Such issues are to be decided by the appropriate forum.

This writ petition is disposed of with a direction upon the police authorities to maintain sharp vigil and ensure that no further untoward incident takes place in the locality. In case there are any rival claims to the property in question, the parties must approach the civil suit.

The police report is taken on record.

This writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)