

26.8.2022
Sl.No.204
sn

WPA 15435 of 2022

Sambhu Naskar
Vs.
The State of West Bengal & Ors.

Mr. Subhadeep Chatterjee
Ms. Arpita Kundu
..for the petitioner
Mr. Moloy Singh
Mr. Vivekananda Tripathi
..for the State

Despite service, none appears on behalf of the respondent no.5. Let the affidavit of service be taken on record.

The dispute is with regard to Dag Nos.468 and 469, mouza Taldi under Canning Police Station.

The contention of the petitioner is that the respondent no.5 being a relative, has been disturbing the petitioner's peaceful possession. The police authorities were directed by the learned Executive Magistrate, Canning Sub Division, to enquire into the matter and file a report.

The police authorities have already submitted a report before the learned Executive Magistrate. Upon concluding that there is apprehension of breach of peace, prosecution under Sections 107 and 116(3) of the Code of Criminal Procedure was submitted against the respondent no.5.

As it appears from the pleadings that there is a dispute with regard to the enjoyment of the land of

which the petitioner is the recorded owner, the only order can be passed in the writ petition that the police authorities shall keep a vigil and ensure that no untoward incident takes place and peace and tranquility is maintained.

The writ petition is disposed of.

There will be, however, no order as to costs.

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

(Shampa Sarkar, J.)