

26.8.2022
Sl.No.207
sn

WPA 15494 of 2022

Ashok Nayak
Vs.
The State of West Bengal & Ors.

Mr. Anil Kumar Chattopadhyay
..for the petitioner
Mr. Asish Kumar Guha
Mr. Naren Ghosh Dastidar
..for the State

The right, title and interest of the petitioner with regard to the 'Ka' schedule property was declared by a civil court. The defendants in the suit were permanently restrained from doing any acts which would change the nature and character of the suit property and they were also restrained from making any construction over the suit property.

The petitioner and the respondent no.4 are brothers. The respondent no.5 is the wife of the respondent no.4.

It appears that there was an amicable settlement between the parties with regard to the enjoyment of the property in question. A dispute arose over such enjoyment and on the basis of the complaint lodged by the respondent no.4, Amta Police Station Case No. 157 of 2018 dated April 12, 2018 was registered against the petitioner under Sections 448/323/325/354/506/34 of the Indian Penal Code. The investigation was completed which

ended with the filing of the charge sheet. The petitioner was informed about the hot altercation between the parties, over the land dispute. A prosecution was submitted against the respondent no.4.

The dispute between the brothers with regard to enjoyment of the property, cannot be decided in this proceeding. The enquiry reveals that the dispute is over demarcation of the land.

This writ petition is disposed of with a direction upon the police authorities to keep a vigil in order to ensure that no untoward incident takes place over the issue of enjoyment of the property. Peace shall be 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.)