

07.06.2022
Court No. 19
Item no.37
CP

WPA No. 17152 of 2021

Sumanta Goswami
Vs.
The State of West Bengal & ors.

Ms. Sharmistha China
Ms. Tithi Mazumder

....for the petitioner.

Mr. Bipin Ghosh

.....for the State.

Mr. Samiran Mandal
Mr. Abhinaba Dan
Mr. Nitish Samanta

....for the respondent nos. 6 to 8.

The dispute between the petitioner and the respondent nos. 6 to 8 is over right, title and interest over some plots measuring 46.039 Sattaks (equivalent to 27.853595 cottahs) in Mouza – Juakhali under the Daspur Police Station. The petitioner alleges that the respondent nos. 6 to 8 in order to grab the property of the petitioner had assaulted the petitioner on several occasions. Complaints were lodged with the Officer-in-Charge, Daspur Police Station. No steps were taken. Hence the writ petition has been filed with a prayer for protection of the life and property of the petitioner.

Mr. Mandal, learned advocate for the respondent nos. 6 to 8, submits that the said respondents have become owners of the property in question, by subsequent purchase. It is alleged that in order to grab the said property, the petitioner is using arm-twisting methods by seeking directions upon the local police station to aid and assist the petitioner.

It is true, that the question of right, title, possession etc. cannot be decided either by the writ court or the police authorities. Neither can this court pass directions upon the police authorities to ensure that the parties enjoy their respective property by causing demarcation and/or partition thereof. However, as there is an allegation of assault, the police authorities must look into the complaint filed by the petitioner in a free and fair manner.

The petitioner is granted liberty to approach the local police station, if any untoward incident take place at the behest of the respondent nos. 6 to 8. If such complaint is filed, the police authority shall proceed in accordance with law.

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.)