

22.8.2022
Sl.No.464
sn

WPA 18684 of 2021

**Biswajit Mahato & Ors.
Versus
The State of West Bengal & Ors.**

Mr. Satya Ranjan Kundu
...for the petitioner
Mr. Raja Saha
Ms.Tanusree Chanda ..for the State

The petitioners allege inaction on the part of the Officer-in-Charge, Barabazar Police Station. It is alleged that some persons have been continuously illegally and unlawfully quarrying stones and sand from the land of the petitioners, but the police authorities have neglected to take steps on the basis of the complaint lodged by the petitioners.

The police report indicates that several similar complaints had been received by the police authorities.

The police authorities have registered several FIRs and investigations are going on. Many of the accused persons have been arrested.

On the basis of the complaint of the petitioners dated November 17, 2021, Barabazar Police Station Case No. 135 of 2021 dated November 17, 2021 under Sections 447/379/427/506/120B of the Indian Penal Code read with Rule 50 of the West Bengal Mines and Minerals Concession Rule, 2016 read with Section 21(1) of the Mines &

Minerals (Development & Regulation) Act, 1997, has been registered. During the investigation, the investigating officer visited the place of occurrence, examined witnesses and recorded their statement under Section 161 of the Code of Criminal Procedure. FIR named persons, Pran Krishna Laya, Dubraj Singh Laya and Sunil Kr. Soni were arrested. The equipments used for such illegal activities were also seized and the statements of the accused persons were also recorded.

A prayer has been made by the investigating officer before the BL&LRO to ascertain ownership of the land in the question. The police authorities have raided the place several times to stop pilferage of stones and illegal mining operations.

Under such circumstances, this writ petition is disposed with a direction upon the police authorities to proceed with the investigation in respect of Barabazar Police Station Case No. 135 of 2021 in a free, fair and proper manner and reach the same to its logical conclusion.

This Court has not gone into the merits of the claims of the petitioners. These matters are within the domain of the investigating officer.

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.)