

S/L 115
22.6.2022
Court. No. 19
sn

WPA 18838 of 2021

Surabuddin Sekh & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Jahar Lal Ray
Ms. Kavita Rani ... for the petitioners

Mr. Jishnu Chowdhury
Ms. Amrita Panja Moulick ..for the State

Despite service, none appears on behalf of the respondent nos. 4 to 8. Let the supplementary affidavit and affidavit-of- service be taken on record.

The petitioners allege that the police authorities have failed and neglected to protect the petitioners. The petitioners cannot enjoy their property peacefully, on the basis of the decree passed by the learned Civil Court.

The police authorities have filed a report, from which it appears that a quarrel took place between the petitioner no.1, his nephew Mujibar Seikh and some others on June 4, 2021. The daughter of the petitioner filed a written complaint against Mujibar Seikh. On the basis of the complaint, Basanti Police Station Case No. 359/21 dated June 13, 2021 under Section 341/323/325/354/307/506/34 of the Indian Penal Code was filed. The investigation was completed and a charge sheet vide charge sheet no. 311/21 dated June 30, 2021 under Section 341/323/325/ 354/ 506/34

of the Indian Penal Code has been submitted before the learned Court below. It appears that the trial is pending.

Pursuant to the subsequent complaint lodged by the petitioners on September 10, 2021, the police authorities enquired into the matter and issued notices upon Ajijul Sekh and Sirajul Sekh, directing them to ensure that the possession of the petitioners in respect of the plot no. 361 measuring about 26 decimals should not be disturbed in view of the decree of permanent injunction passed by the learned Civil Court.

Ajijul Sekh and Sirajul Sekh filed an undertaking before the Inspector-in-Charge, Basanti Police Station, inter alia, stating that they would not enter into the suit property in respect of which the petitioners have been granted a decree.

Under such circumstances, this Court does not find that the police authorities have failed to discharge their duties.

The police authorities shall keep strict vigil and ensure that the law and order is maintained.

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.)