

S/L 34
08.06.2022
Court. No. 19
GB

WPA 19692 of 2021

Nabir Ali Shekh
VS
The State of West Bengal & Ors.

Mr. Debabrata Karan,
Mr. Debopriyo Karan.

...for the Petitioner.

Sk. Md. Galib,
Ms. Subhra Nag.

...for the State.

Mr. Somshubhra Ganguly,
Mr. Arka Nandi.

...for the Respondent Nos.6 to 8.

The police report is taken on record. SI, Soumen Biswas, has filed the said report.

From the report, it appears that the police authorities have enquired into the complaints filed by the petitioner. From such report it also transpires that there was a long standing private dispute over some landed property, between the parties.

Title Suit No.817 of 2020 is also pending before the learned Additional Civil Judge (Junior Division) at Alipore, South 24 Parganas.

The petitioner has also filed a complaint case before the learned Judicial Magistrate, 7th Court at Alipore against the respondent nos.6, 7 and 8.

Moreover, on the basis of the complaints lodged before the police authorities, report for prosecution under Sections 107 and 116(c) of the Code of Criminal Procedure has been submitted against both the parties.

It is the specific finding of the police authorities that the parties have continuously quarrelled and been at loggerheads over the enjoyment of the land.

Under such circumstances, the writ petition is disposed of with a direction upon the police authorities to ensure that no untoward incident takes place and the parties maintain peace and tranquillity. The police authority shall also not unnecessarily harass any of the parties. Any other relief which the petitioner prays for, is available to the petitioner in the complaint case, which is pending before the learned Magistrate.

Accordingly, the 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.)