

23.06.2022
Court No. 19
Item no.113
CP

W.P.A. No. 19821 of 2021

Sri Sushanta Dutta
Vs.
The State of West Bengal & Ors.

Mrs. Rama Halder
....for the petitioner.

Mr. Uttiya Ray
Mr. Arnab Mandal
....for the respondent nos.
7 to 11.

Mr. Amitesh Banerjee, Sr. St. Counsel
Mr. Tarak Karan
....for the State.

The grievance of the petitioner has been met to the extent that the police authorities have registered an FIR against the respondent nos. 7 to 11 and Bhatar PS Case No. 378/2021 dated November 1, 2021 under Sections 341/325/379/509/506/34 of the Indian Penal Code was started. Notice under Section 41A of the Cr.P.C. was issued to the accused persons. A notice under Section 91 of the Cr.P.C. was issued to the petitioner. After completion of the investigation a charge-sheet has been filed vide Bhatar PS CS No. 309/2021 dated November 21, 2021 under Sections 341/325/506/34 of the Indian Penal Code.

Thus the prayer of the petitioner with regard to the direction upon the police authorities to conduct a

proper investigation by registering an FIR has been taken care of.

With regard to the second prayer for an injunction upon the private respondents from interfering with the petitioner's use of the pond in question. This court is of the view that the dispute with regard to the title of the petitioner in respect of the pond, cannot be decided in this proceeding.

The specific contention of the Officer-in-Charge, Bhatar Police Station is that the Block Land & Land Reforms Officer, Bhatar had handed over a list of vested lands and from that list it appeared that part of Plot No. 993 which is classified as 'Pukur' had vested to the State of West Bengal vide Case No. 1/BDN/97 under Sections 14 T(3) of the West Bengal Land Reforms Act read with Rule 14C of the West Bengal Land Reforms Rules.

Under such circumstances, this court cannot allow the petitioner to use the pond, for any purpose.

Although, Mr. Banerjee, learned senior standing counsel and Mr. Ray, learned advocate appearing on behalf of the respondent nos. 7 to 11, submit that the writ petition has been filed in order to circumvent the direction of the District Magistrate to demolish the portion of a structure which had been extended over the pond, this court is of the view

that the said dispute need not be gone into by this court, at this stage.

The petitioner is at liberty to approach the appropriate forum, 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.)