

23.08.2022
Sl. No.490(ML)
srm

W.P.A. No. 19966 of 2021

Asit Baran Paul

Versus

The State of West Bengal & Ors.

Mr. Gobinda Kar

...for the Petitioner.

Mr. Amitesh Banerjee,
Ms. Ipsita Banerjee

...for the State-respondents.

Affidavit-of-service is taken on record. Despite service,
none appears on behalf of the respondent Nos.5 to 11.

The petitioner has alleged inaction of the Officer-in-Charge, Hanskhali Police Station. It is the contention of the petitioner that the respondent Nos.5 to 11 have been roaming around in the locality, catching fish and depriving the petitioner from the proceeds earned from the sale of fish. The petitioner claims to be a co-sharer in respect of the pond in question, along with his other brothers.

The police report in the form of instructions is taken on record. It appears that on the basis of the complaint, an FIR being FIR No.434 of 2019 dated October 3, 2019 under Sections 188/323/326/506 of the Indian Penal Code against the respondent No.6 was registered. During investigation, statements of the witnesses under Section 161 of the Code of

Criminal Procedure were recorded. The FIR named accused person was arrested. The injury report was collected. The charge sheet was filed vide Charge Sheet No.53 of 2020 dated October 31, 2020 under Sections 188/323/325/506 of the Indian Penal Code.

Under such circumstances, the allegation of the petitioner of police inaction, does not survive. It appears that the private respondents have already filed a suit with regard to the rights over the pond. The other prayer of the petitioner with regard to police protection to continue with the fishing activity, cannot be granted by this Court as the civil suit is pending. The petitioner is at liberty to approach the learned civil court for necessary orders.

The writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)