

26.07.2022
Court No. 19
Item no.01
CP

W.P.A. No. 20073 of 2021

Ahadali Sardar
Vs.
The State of West Bengal & ors.

Mr. Firdous Samim
Ms. Gopa Biswas
Mr. Aritra Bhattacharya
...for the petitioner.

Ms. Chaitali Bhattacharya
Mr. Kartik Chandra Kapas
....for the State.

Mr. Gazi Faruque Hossain
Ms. Priyanka Mondal

....for the respondent nos. 5 & 6.

The petitioner alleges that the Officer-in-Charge, Baruipur Police Station, had failed and neglected to take steps on the basis of several complaints lodged by the petitioner. The allegation is that the respondent nos. 5 to 10 have been continuously disturbing the peaceful possession of the petitioner with regard to property situated at R.S. Dag No. 2402, 2403, 2405, 2410, 2411, 13007/13749, 13015/13750, pertaining to R.S. Khatian No. 525 in Mouza – Ramnagar. The allegation is that the petitioner is in peaceful possession of the said lands which are being used for cultivation.

It appears that a civil suit was filed by one Upcharali Sardar against the petitioner and others which was registered as Title Suit No. 123 of 2002. The prayer for injunction was dismissed. A Misc. Appeal was preferred by some of the parties and the Misc. Appeal was also dismissed.

Thus, it is the contention of the petitioner that despite being in possession of the property and despite an injunction application having been allowed by the appropriate civil court, and also affirmed in the Misc Appeal, the respondent nos. 5 to 10 have been continuously disturbing the petitioner's possession.

Mr. Hossain, learned advocate appearing on behalf of the respondent nos. 5 and 6, submits that the allegations are not correct. That the question with regard to title is still sub judice before the civil court.

The police authorities have filed a report. The same is taken on record. It appears that investigations had been initiated on the basis of the complaints lodged by the petitioner vide Baruipur PS Case No. 1630/21 and Baruipur PS Case No. 2095 of 2021. Both the investigations were completed and charge-sheets have been filed.

On the basis of the subsequent complaint lodged by the petitioner, Baruipur PS Case No. 1510/2021 was also registered against three accused

persons. The said investigation also ended in filing of a charge-sheet, against all the accused persons.

During the hearing of this writ petition, the petitioner has handed over another first information report relating to Baruipur FIR No. 1283 of 2022. The said investigation is pending against the respondent nos. 5 to 10 and some others.

Under such circumstances, the court does not find that the police authority had not acted on the basis of the complaints lodged by the petitioner. All the three cases which were registered against persons, who had allegedly disturbed the petitioner's possession and peaceful enjoyment of the property in question, have been charge-sheeted. Another investigation is going on, relating to Baruipur FIR No. 1283 of 2022.

Under such circumstances, the writ petition is disposed of with a direction upon the concerned Inspector-in-Charge of the Baruipur Police Station to ensure that the pending investigation is concluded in a free and fair manner. A vigil shall be maintained in order to ensure that no untoward incident takes place. It appears that the offences are being repeated. Thus the police authorities must tighten the vigil and take appropriate steps.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)