

WPA 25835 of 2022

Mr. Gautam Banerjee
Ms. Chumki Das Bairagya
Ms. Priya Dey
...for the petitioner
Mr. Manas Kumar Das
Mr. Aritra Kumar Thokdar
...for respondent nos. 4 & 5
Mr. Amitesh Banerjee, Sr. Adv
Mr. Tarak Karan
...for the State

Affidavit of service filed on behalf of the petitioner is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner's father executed a "HEBANAMA" in his favour on 15.02.2022. On 07.06.2022, the petitioner's name was recorded in the record of rights. Yet, the private respondent started preventing the petitioner from entering into the land in question. Accordingly, the petitioner was constrained to file a complaint before the local police station on 29.10.2022. He also moved an application under Section 144 of the Code on 01.11.2022. The same is still pending. In such circumstances, an order may be passed directing the respondent authorities to render adequate help to the petitioner so that he can enter into his and cut the paddy.

Learned senior counsel appearing on behalf of the State files a report, which is taken on record, and submits as follows. After receiving the complaint from the petitioner,

adequate steps have been taken. Since the complaint did not make out a cognizable case, no FIR was lodged. However, a proceeding read with Section 107 read with Section 116 (3) of the Code was initiated. The police are keeping vigil at the disputed place.

Learned counsel for the private respondent submits as follows. Actually, the private respondents are the owners of the land in question and are cultivating the said land. The petitioner had suppressed the fact that he had filed a civil suit in this regard, but failed to obtain an injunction.

I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the writ petition.

It appears that the respondent authorities have taken adequate steps on the complaints filed the petitioner. A civil suit and a proceeding under Section 144 of the Code are pending.

Therefore, there is no need to pass any further order in this matter. However, the local police shall keep peace at the disputed place so that no breach of peace occurs.

With these observations, the writ petition is thus disposed of.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)

