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02.03.2022
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**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

**W.P.A 221 of 2022
(Via Video Conference)**

**Sri Amit Kedia & Ors.
-versus
State of West Bengal & Ors.**

**Mr. Sunil Kumar Sarkar.
...For the Petitioners.**

**Mr. Hirak Barman,
Ms. Bedashruti Bose.
...For the State.**

The petitioners have prayed for a direction upon the respondent no. 3 being the Inspector-in-Charge, Bhaktinagar Police Station not to vacate or oust the petitioners from their land forcibly without the order of eviction from any competent Court of law and further not to disturb the peaceful possession of the petitioners.

The relief prayed for by the petitioners cannot be granted by the Writ Court.

The learned advocate representing the State respondents submits that in response to the complaint lodged by the petitioners on 29th November, 2021 Bhaktinagar Police Station Case No. 1532/2021 dated 2nd December, 2021 under Sections 447/427/506/ 34 of IPC was initiated against (1) Bikash Goyal, (2) Pradip Kumar Agarwal, (3) Rajkumar Sharma, (4) Uttam Roy and (5) Wazed Ali Seikh. The said case has been

endorsed to SI Sudip Kumar Saha for investigation. During the investigation the Investigating Officer visited the place of occurrence, drew live sketch map with index, examined available witnesses and recorded their statements under Section 161 of the Cr.P.C. The Investigating Officer submitted requisition before the BL&LRO, Rajganj to supply the particulars of the actual land owners.

The accused persons namely, Bikash Goyal, Pradip Kumar Agarwal and Rajkumar Sharma were enlarged on bail by the learned Court.

The complaint dated 21st December, 2021 submitted by Ashok Kumar Goyal relating to the same plot of land was diarized vide Bhaktinagar PS GDE No. 1193 dated 21st December, 2021 and the same has been tagged with Bhaktinagar PS Case No. 1532 of 2021 dated 2nd December, 2021 for further investigation.

The matter is pending before the learned Executive Magistrate, Jalpaiguri and the opposite parties have been directed to comply the order passed by the learned Court and to maintain peace and tranquility.

As it appears from the instruction forwarded by the Deputy Commissioner of Police (East), Zone-I holding charge of the DY Commissioner of Police (HQ) Siliguri Police Commissionerate, dated 28th February, 2022 that the police has already taken active steps in the matter, accordingly, no further order is required to be passed in the instant writ petition.

The police shall take all necessary steps to act in accordance with the provisions of law and the order passed by the learned Court from time to time.

The writ petition stands disposed of.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)