

09 05.07.2023
NB Ct. 14

WPA 06 of 2023

Hare Krishna Mandal
Vs.
The State of West Bengal & Ors.

Mr. Apurba Krishna Das,
Mr. Kallol Kr. Maity.
...for the petitioner.

Mr. Amrita Panja Moulick.
....for the State.

Mr. Amit Baran Dash,
Ms. Ankana Sarkar.
...for the respondent nos.12 to 14.

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities, especially the respondent nos.3, 4 and 9 to provide adequate safety and security and police posting for the petitioner to complete construction of dwelling house over his 5 decimals of bastu land in respect of L.R. Plot No.2106 of Mouza, Damodarpur, L.R. Khatian No.4919 under Police Station- Ramnagar, J.L. No.12, District-Purba Medinipur.

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 is the owner of the land in question. He is constructing a dwelling house on it. The private respondents are rank outsiders who have been intimidating and hindering the petitioner from making such construction. They applied brute force to prevent the petitioner from utilising the land. The petitioner approached the learned Magistrate under

Section 144 of the Code and obtained an order. In spite of this, the private respondent continued with their mischief.

Learned counsel for the private respondents submits as follows. The petitioner does not have any title to the property in question. Actually, his clients are in possession of the same. In fact, the private respondents have filed a civil suit in this regard in 2023.

Learned counsel appearing on behalf of the State submits as follows. The dispute between the adverse parties is predominantly civil in nature. However, certain allegations were made by the petitioner about consequential criminal acts allegedly done by the private respondents. An FIR was lodged. A charge sheet has already been submitted being charge sheet no.441 dated 30.11.2022.

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 private respondents have tried to raise a civil dispute regarding the property that the petitioner claims to be his own.

It is trite law that no one can disturb the possession of a property, otherwise than according to due process of law.

So far as the allegations made before the police are concerned, steps have already been taken. A charge sheet has been submitted.

Therefore, there is no need to pass any further order. However, the police shall keep a vigil at the locale and see to it that no untoward incident takes place.

With these observations, the writ petition is disposed of.

Since affidavits are not called for, allegations made in the writ petition are deemed not to have been admitted.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)