

06-07-2023
ct no. 14
Sl. 18
Sayandeep

WPA 7942 of 2023

Satipada Das
-Versus-
State of West Bengal & Ors.

Ms. Papiya Chattopadhyay
.....for the petitioner
Mr. Amal kr. Sen
Mr. Jaladhi Das
.....for the State

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities, especially respondent Nos. 1 to 5 to take notice of the criminal activities of the private respondent Nos. 6 to 14 and their associates and to render police help and assistance so that the petitioner can cultivate his own land being 0.25 decimal of land L.R. No. 2435, Khatian No. 2457, Mouza- Siddheswari, P.S. Burwan, District- Murshidabad without any obstruction.

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

Report filed on behalf of the State is also taken on record.

No one appears on behalf of the private respondent.

Learned counsel appearing for the petitioner submits as follows. The petitioner is the owner of the land in question. He was granted a decree in a civil suit by permanently injunctioning the private respondent from interfering with her possession. In fact, a similar order was passed in a proceeding under Section 144 of the Code. Even thereafter, the private respondents tried to commit mischief and prevent the petitioner from enjoying his land. Miscreants are still trying to restrain the petitioner from cultivating the land. Intimations were given to the police, but no effective steps were taken by them.

Learned counsel for the State relies on a report and submits as follows. Police have already taken steps in this regard. An FIR was registered being FIR No. 103/23 dated 01.04.23. The accused persons were, however, granted bail.

I have heard the submissions and have perused the writ petition and the report filed by the State.

It appears that the petitioner was constrained to file several proceedings against the private respondents, local villagers, either before the learned civil forum or before the learned Magistrate in respect of their hindrances and obstructions to the petitioner in enjoying his property.

It also appears that the police have registered an FIR, which is being investigated.

As the petitioner is the owner of the land in question and has been able to obtain orders from the civil Court and other Courts of law to restrain the private respondents from disturbing her possession, police ought to render necessary help as and when required.

Let the respondent authorities keep vigil and maintain peace at the locale and ensure that no violation of any order of Court of law takes place near the suit property.

With these observations, the writ petition is disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the

parties expeditiously on compliance of usual legal formalities.

(Jay Sengupta, J.)