

01.03.2023.
Court No.13
Item No. 16
ap

W.P.A. No. 9404 of 2022
Mazharul Islam Khan
Versus
The State of West Bengal & Ors.

Mr. Biswajit Tiwari.

...For the petitioner.

Mr. Koustav Bagchi,
Mr. Debayan Ghosh,
Ms. Priti Kar.

...For the respondent nos.4 & 5.

The petitioner claims that the private respondents have been encroaching upon his property and have also assaulted him.

The Officer-in-charge, Pukhuria Police Station has filed a report stating that FIR No. 455 of 2021 dated 14th November, 2021 has been registered on the petitioner's complaint and charge-sheet being C.S. No. 407 of 2021 dated 30th November, 2021 has been filed.

The other complaints of the petitioner have been enquired into and proceedings under Section 107 of the Code of Criminal Procedure have been taken out. A further complaint has also resulted in FIR No. 164 of 20215 dated 10th July, 2015 and charge-sheet No. 158 of 2015 dated 31st August, 2015.

Counsel for the private respondents submits that the petitioner is guilty of suppression of material facts.

It appears that there is a civil suit between the petitioner and the private respondents being Case No. 1 of 2013 (M.S) in respect of the said property before

the learned Civil Judge (Junior Division) Chanchal, Malda. The said suit has been dismissed.

There are other proceedings pending between the petitioner and the private respondents under Section 64 of the West Bengal Land Reforms Act, 1955.

The aforesaid civil and other proceedings have been suppressed before this Court. It appears that the dispute between the petitioner and the private respondents is purely civil in nature and in respect of title to the property.

The matter has been listed under the heading “Senior Citizens”, which heading deals with the rights to Senior Citizens under Article 21 of the Constitution of India.

In the above circumstances, the instant writ petition shall stand dismissed with cost assessed at Rs.8,500/- (Rupees eight thousand five hundred only) payable by the petitioner to Pukhuria Police Station within a period of ten days from date.

In the event the costs are not paid within the time stipulated hereinabove by the petitioner, the Officer-in-charge, Pukhuria Police Station shall be entitled to recover the said sum from the petitioner as demand under the Bengal Public Demand Recovery Act, 1913.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)