

15.05.2023
Court No.13
Item No.33
AP

WPA 10864 of 2023

**Kailash Agarwal
Vs.
The State of West Bengal and Ors.**

Mr. Uday Narayan Betal
Mr. Bhaskar Hutait
Mr. Partha Sarathi Mondal

... For the Petitioner.

Mr. Raja Saha
Ms. Piyali Sengupta

... For the State.

1. The petitioner complains of alleged inaction on the part of the Salboni Police Station in enforcing an order of injunction dated 5th January, 2023 and directions dated 10th April, 2023 passed by the Civil Judge (Junior Division), 1st Court, Paschim Medinipur in T.S. No. 04 of 2023.

2. Learned counsel for the State has produced a report in the form of instructions dated 8th May, 2023 issued by the Inspector-in-Charge, Salboni Police Station, Paschim Medinipur addressed to the learned Government Pleader and the same is taken on record.

3. Learned counsel for the State submits that the land of the petitioner is not demarcated.

4. The petitioner, however, claims that there were pillars for demarcation of his land, which have been removed by the private respondents. The records of the BL& LRO show the name of the petitioner as recorded owner.

5. It is submitted by the counsel for the State that CID, West Bengal is investigating into a fraudulent land transaction occurring in the aforesaid area at Mouza-Ahamadpur, Police Station- Salboni, Paschim Medinipur. Both the petitioner and the seller are accused in the aforesaid FIR being Salboni Police Station Case No.295 of 2021 dated 16th November, 2021 under sections 467, 468, 471, 472, 419, 420, 120B of the IPC.

6. This Court directs the Salboni Police to prepare a report in this regard and submit the same before the learned Civil Judge (Junior Division), 1st Court, Paschim Medinipur on the next date fixed i.e. 18th May, 2023. The Civil Judge may pass appropriate orders thereafter.

7. The Civil Judge shall be entitled to reconsider, if necessary, any of the orders already passed in the matter. The Court below shall decide the matter uninfluenced by any of the observations made by this Court.

8. Salboni Police shall strictly comply with any order that may be passed by the Civil Court on 18th May, 2023 on them.

9. With the aforesaid directions, the writ petition shall stand disposed of.

10. There shall be no order as to costs.

11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)