

07 06.07.2023
NB Ct. 14

WPA 12179 of 2023

Sanjali Hembram & Anr.
Vs.
The State of West Bengal & Ors.

Ms. Sarwar Jahan,
Mr. Sayantan Hazra.
...for the petitioners.

Mr. Wasim Ahmed,
Sk. Md. Masud.
....for the State.

Mr. Partha Chakraborty,
Muhammad Obaid.
...for the respondent nos7&8.

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities specially the respondent nos.3 to 6 to take steps as regards the complaints made to the appropriate authorities by the petitioners and to demolish the illegal construction made by the private respondents.

Affidavit of service filed on behalf of the petitioners is taken on record.

Report filed by the State is also taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. A patta for a land was granted to the husband of the petitioner no.1 in the year 1974. After his death, land was distributed between his wife and his two daughters. The private respondents are not the members of the Scheduled Tribe community. They were encroaching the land of the petitioners. This also amounts to an offence under Section 3(g) of the Scheduled Castes and Scheduled Tribes (Prevention and

Atrocities) Act. A complaint was made before the police authorities, but in vain. The private respondents have continued with their mischief near the land.

Learned counsel appearing on behalf of the respondent nos.7 to 9 submits as follows. There is a civil dispute between the co-sharers of the property. The probate proceeding is still pending. Some criminal cases are also pending against the petitioners in this regard.

Learned counsel appearing on behalf of the private respondents submits as follows. Allegations made by the petitioners are vehemently disputed and denied. In fact, there is a civil suit pending between the parties in this regard. The private respondents have not committed any offence as alleged or at all.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. Letter of complaint given to the local Police Station for recording of GD Entry was treated and registered as an FIR. Investigation is going on into the alleged offences.

I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the writ petition and the report filed by the State.

It appears that, among other things, there is a civil dispute between the adverse parties and a suit is pending in this regard.

So far as the prime grievance of the petitioners is concerned that the complaint given to the police had no effect, actually such grievance had been redressed. An FIR was

registered and investigation is on. As such, no further direction need be passed in this regard.

With these observations, the writ petition, is accordingly, disposed of without costs.

However, the respondent police authorities shall keep a vigil at the locale and ensure that no violation takes place of any order of the Court.

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.)