

Ct. 14
Item No.13
10.08.2023
(Suvendu)

WPA 14653 of 2023

**Ranjit Roy
Vs.
The State of West Bengal & Ors.**

Mr. Sk. Abdus Salam
Mr. Subrata Mukherjee
.....for the petitioner

Mr. Deb Narayan Banerjee
Mr. Md. Ahsanuzzaman
.....for the State

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to take appropriate legal action against the private respondent nos. 7 and 8 and their associates who were trying to encroach upon the petitioner's land for dispossessing him.

The affidavit of service filed on behalf of the petitioner is taken on record.

It appears that one of the private respondents could not be served with a notice.

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

Learned counsel appearing for the petitioner submits as follows. The petitioner is the owner of the land in question. The private respondents have no

legal right, title and interest in the said property. Yet, they are disturbing the petitioner and are trying to encroach upon the property. Police were informed about this, but they have not been taking any steps. The petitioner was constrained to file an application under Section 144 of the Code of Criminal Procedure. On 07.07.2023, learned Magistrate was pleased to pass an order directing the authorities to see that no encroachment was done by the opposite parties therein.

Learned Counsel representing the State relies on the report and submits as follows. There is an ongoing dispute between the private parties. The wife of the private respondent no. 8 had earlier registered an FIR which is being investigated. The Police have also filed a report in respect of the proceeding initiated by the petitioner under Section 144(2) of the Code.

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

It appears that some dispute exists between the private parties. The police have also acted by filing a report in respect of the proceeding under Section 144 of the Code.

However, if a further complaint is made by the petitioner about encroachment by the private

respondents, the police shall explore the possibility of initiating a proceeding under Section 107 of the Code.

No further orders need be passed in this case at this stage.

However, the respondent police authorities shall keep a strict vigil in the locality and ensure that no breach of peace takes place and also order of any Court is violated.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Jay Sengupta, J.)