

17.07.2023

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WPA 15151 of 2023
Janardan Mandal
– *Versus* –
The State of West Bengal & Others

Mr. Surajit Basu,
Ms. Rina Das
... for the Petitioner.

Mr. Suman Ghosh,
Mr. Sankah Prasad
... for the State.

This is an application under Article 226 of the Constitution of India praying for a direction upon the police authorities, especially the respondent nos.3, 4 and 5 to take steps in respect of the complaint made by the petitioner on 12th June, 2023.

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.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the land in question. The crops standing on such land have been damaged because of illegal actions taken by the private respondents. The police authorities have only aided in this. A title suit was filed in this regard. The petitioner lost the same and preferred an appeal, which is still pending. Earlier an order passed by this Court was not strictly complied with by the police authorities.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. This is purely a civil dispute where police have no role to play. Pursuant to the earlier proceedings before this Court, the police authorities have only helped the BL&LRO in demarcating the land in question. However, they are keeping a strict vigil at the locale.

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

It appears that an appeal is pending over the issue. The issue is substantially civil in nature.

I do not find any reason to intervene at the behest of the petitioner in terms of the prayer made in the writ petition.

However, the police authorities shall maintain strict vigil at the locality and see that no untoward incident takes place.

With the above observations, the writ petition is disposed of.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Jay Sengupta, J.)