

07 18.07.2023
NB Ct. 14

WPA 15470 of 2023

Sabir Ali Mallick
Vs.
The State of West Bengal & Ors.

Mr. Keshab Chandra Das,
Ms. Aparajita Mondal,
Mr. Biplab Adak.
...for the petitioner.

Mr. Somnath Ganguli,
Mr. Balarko Sen.
....for the State.

Mr. Jit Roy,
Mr. Subhendu Sinha Roy.
...for the respondent nos.4 to 11.

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to decide the written complaint of the petitioner dated 16.04.2023 and to grant police assistance to protect the life and property to the petitioner in respect of the subject plot being Dag No.369, 370 and 371 at JL No.118 in Mouza-Hasimpur within the jurisdiction of Haripal Police Station, District-Hooghly.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the land in question. The respondent authorities had earlier filed a suit claiming certain rights in respect of the land. The same was dismissed. An appeal has been filed. But, they have been creating disturbances. In fact, on one occasion, they came armed and committed illegal acts like breaking down the pillar and damaging valuable things. The petitioner made complaints

before the local police station, but no effective steps was taken by them.

Learned counsel appearing on behalf of the private respondents submits as follows. The private respondents are in possession of the said plot. The private respondents, in fact, claimed that they were the owners of the property and the petitioner is the tenant therein.

Learned counsel appearing on behalf of the State submits as follows. The dispute between the adverse parties appears to be purely civil in nature. The police did act on the complaint lodged by the petitioner. On the basis of the second complaint lodged by the petitioner, an FIR was registered being Haripal Police Station Case No.290 of 2023 dated 04.07.2023 under Sections 147,447,323,325,427,379,504 and 506 read with Section 34 of the Penal Code. The same is being investigated and the police is to keep a strict vigil at the locale.

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

The dispute between the adverse parties seems to be purely of civil nature. As such, this Court would not like to interfere with the same.

However, any of the parties shall be at liberty to approach the Civil Court to have their grievances redressed.

It further appears that investigating agency has already registered the FIR on the complaint of the petitioner and is investigating into the alleged offences.

Let the investigating agency file a report in final form as expeditiously as possible.

Local police authorities shall ensure peace at the area and keep a strict vigil so that no untoward incident takes place.

With these observations, the writ petition is disposed of.

Since affidavits were not called for, allegations contained 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.)