

D/L
Item No. 20
13.07.2023
KOLE

WPA 15504 of 2023

Parthasarathi Ghosh
-Vs.-
The State of West Bengal & Ors.

Mr. Mohinoor Rahman,
Mr. M. Rahaman,
Ms. I. Rahaman,

...for the petitioner.

Mr. Sonal Singha,
Mr. B. Majumder,

...for the State.

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities, especially the respondent nos. 2 and 3 to investigate into the complaints made by the petitioner and take legal steps to ensure that the petitioner is not disturbed in any manner by the private respondents from the physical possession of the suit land.

Affidavit of service filed on behalf of the petitioner is taken on record. Despite service, none appears on behalf of the private respondents.

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

Learned Counsel petitioner submits as follows. The petitioner is the owner of the land in question. However, he had become involved in chit fund activities as an agent. That is why he cannot even come to the village to stay there permanently. It is germane to mention that there is no criminal case pending against the petitioner in this regard. However, taking advantage of the situation, the private respondent has been trying to grab his property. The

petitioner made complaints before the appropriate police authorities, but in vain.

Learned Counsel appearing on behalf of the State submits as follows. The police have taken adequate steps in this regard. A proceeding was initiated under Section 107 of the Code. An NCR case was also started. The police is keeping a strict vigil at the locale.

I have learned Counsels for the parties and have perused the writ petition and the report filed by the State.

It appears that the petitioner apprehends that the private respondents might grab his property as he is not present at the village to protect it.

However, it also appears from the report filed by the ASI of Police, in a proceeding initiated under section 144 of the Code that the private respondents had vouched that he would not prevent the petitioner from coming to the village and cultivate his land.

Therefore, no further order need be passed in this application.

However, the local police authorities are directed to keep a strict vigil at the locale and they shall ensure that no untoward incident takes place near the place and that no order of a competent court is violated

The writ petition, accordingly, stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)