

WPA 15691 of 2023

Sk. Akhtar Ali
-vs-
State of West Bengal & ors.

Mr. Supratick Shyamal
Mr. S. M. Ismail
....for the petitioner
Mr. Bibek Jyoti Basu
Mr. Satyam Mukherjee
Ms. Ankita Mukherjee
...for the State

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to cause investigation on the cognizable offences in relation to which written complaint has been filed by the petitioner and to take appropriate action against the respondent nos. 7 to 9.

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

Despite service, no one appears on behalf of the private respondents.

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

Learned counsel for the petitioner submits as follows. The petitioner and his family members are the owners of the property in question at Plot No. 944 measuring 06 decimals under L. R. Khatian No. 852 under Mouza-Morhal, J. L. No. 02, P.S. – Jangipara, District- Hooghly. However, the

petitioner stays at Mumbai in connection with his occupation while his wife and other family members stay at the suit property in Hooghly. The private respondents are rank outsiders who have no title or interest in the property in question. They are the local co-villagers. However, in the absence of the petitioner, they have been disturbing and intimidating the petitioner's family members in an effort to oust them from their property. Complaints were made before the police station, but no effective steps have been taken by them.

Learned counsel for the State relies on the report and submits as follows. Pursuant to the complaint lodged by the petitioner, the police have taken steps and a proceeding was initiated under Section 107 read with Section 116 of the Code against the private respondents and others.

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

It does not appear that the private respondents had been able to raise any reasonable dispute regarding the property in question.

Therefore, it is none of their business to see what happens at the petitioner's property or to meddle with the peaceful possession of the same.

So far as the complaint filed by the petitioner is concerned, it appears that some steps have been taken by the police authority by initiating a proceeding under Section

107 read with Section 116 of the Code.

However, the police shall keep a strict vigil at the locale and see with that no harm is done to the petitioner or his family members at such property. If a further complaint is made, the police would see whether a cognizable cause is not made out and if the same is made out, register an FIR and investigate into the offences apart from taking other necessary steps.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)