

WPA 16189 of 2023

Bhanjan Mondal & ors.

-vs-

State of W.B. & ors.

Mr. Probal Sarkar

..for the petitioners

Mr. Asish Kumar Guha

Mr. Rajendra Chaturvedi

....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 steps against the private respondents, especially the private respondent no.33 so that the private respondents are restrained from disturbing the petitioners and their family members and trying to grab the petitioners' danga land at Mouza- Polsonda, J. L. No. 46, L. R. Dag No. 712, L. R. Khatian No. 5241 within the jurisdiction of Nabagram Police Station, District- Murshidabad.

Affidavit of service filed on behalf of the petitioners 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 appearing on behalf of the petitioners submits as follows. The petitioners are the owners of the

property in question. The petitioners had executed a power of attorney in favour of the respondent no.33 in connection with promoting the property. However, the respondent no.33 was misusing such power of attorney and the petitioners were constrained to cancel the said power of attorney. Even after this and by taking advantage of the period in which the power of attorney remained valid, the respondent no.33 had been committing illegal activities and threatening and intimidating the petitioner. Complaints were made before the police station, but no steps were taken by the police authorities.

Learned counsel for the State relies on a report and submits as follows. As the complaint filed by the petitioner did not disclose the cognizable offence, no FIR could be registered. However, the police has taken adequate steps. A proceeding under Section 107 of the Code has been initiated in this regard. The police shall keep close watch on the activities at the suit property.

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 appears that the police have taken adequate steps in respect of the complaint lodged by the petitioners. A proceeding under Section 107 of the Code has been drawn up.

As such, this Court does not think that any further order need be passed in this matter. However, the police

authority shall keep the vigil at the locale and see to it that no untoward incident takes place. If the petitioners come with a complaint of a cognizable offence, an FIR may be registered and investigated into.

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.)