

19.10.2023
Item No.4
PG/KS
Ct. No.1

M.A.T. 1293 of 2023
With
IA No. CAN 2 of 2023
Sri Binay Sadhukhan & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Sanjib Bandyopadhyay
Mr. Manoj Kumar Mondal
.....For the appellants

1. This intra-Court appeal by the writ petitioners is directed against the order dated 1st June, 2023 in W.P.A. 12866 of 2023. The appellants/writ petitioners claimed to be owners of an extent of land and alleged that the private respondent nos.5 to 7 are carrying on unauthorised construction in the land by encroaching upon the appellants' property. In this regard, a police complaint has been lodged.
2. Pursuant to a direction given in an earlier writ petition, the police authorities have registered the complaint as F.I.R. No.312 of 2023 dated 17th May, 2023 and there is an order passed under Section 144(2) of the Code of Criminal Procedure.
3. Considering all these aspects, the learned Single Bench directed the criminal case to be expedited. The Court also directed the local police station to maintain the peace and tranquillity in the locality and also to ensure that the appellants/writ petitioners are not harassed in any manner.

Liberty was also given to the appellants/writ petitioners to avail the appropriate civil remedies in accordance with law.

4. The grievance of the appellants is that in spite of direction, the 4th respondent/police is not taking up the investigation and the matter has been made to lie over.
5. Considering the grievance expressed by the appellants/writ petitioners, we direct the 3rd respondent viz. the Superintendent of Police, Rural, Howrah to monitor the investigation and issue appropriate directions so that the 4th respondent investigates the matter and charge-sheet, if not already filed, shall be filed expeditiously not later than six weeks from the date of receipt of server copy of this order.
6. With the above directions, the appeal and the connected application are disposed of.
7. No costs.
8. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)