

08.08.2023.
Court No.14
Item No. 17
ap

W.P.A. No. 16860 of 2023

**Pradeep Halder & Anr.
Versus
The State of West Bengal & Ors.**

Mr. Bibek Jyoti Basu,
Mr. Uttam Kumar De.

...For the petitioners.

Ms. Ashmita Chakraborty.

...For the State.

This is an application under Article 226 of the Constitution of India praying for direction upon the respondent State authorities to grant police protection to the petitioners to secure their life and properties.

Affidavit-of-service filed on behalf of the petitioners is taken on record. Despite service, no one appears for the private respondent.

Learned counsel for the petitioner submits as follows. The petitioners purchased the property in question in 2014. The private respondent and his men, who are in no way connected with the property in question have been disturbing and intimidating the petitioners and preventing them from cultivating their land and fully enjoying the property in question. Despite approaching the police for necessary help, no action has been taken by the respondent authorities.

Learned counsel for the State relies on a report and submits that after receiving a complaint from the petitioners, the police authorities have already started

proceedings under Section 107 of the Code of Criminal Procedure.

I have heard the learned counsels appearing on behalf of the parties and have perused the writ petition and the report filed by the State.

It does not appear that there is any existing civil dispute between the adverse parties or that any order has been passed either by a Civil Court or by a Magistrate under Section 144 of the Code of Criminal Procedure.

The claim of the present petitioners is simply that they are the owners of the land in question and are unable to cultivate the same because of disturbances created by the private respondent.

If the petitioners are the owners of the land in question and are possessing the same, the private respondent has no business trying to disturb the same without due process of law.

Therefore, the police shall keep sharp vigil at the locale and ensure that no breach of peace takes place and no order of the Civil Court is violated.

With the aforesaid directions, the instant writ petition is disposed of.

There will be no order as to costs.

(Jay Sengupta, J.)

