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14.08.
2023
Ct. No.14

WPA 17694 of 2023

Sri Krishnapada Dey
Vs.
The State of W. B. & Ors.

Ms. Aiswarjya Gupta
Ms. Priyanka Saha
.....For the Petitioner

Mr. Biswabrata Basu Mallick
Mr. Sanjib Das
.....For the State

Mr. Partha Sarathi Bhattacharyya, Sr. Advocate
Mr. Arunava Maiti
Mr. Raju Bhattacharyya
.....For the Respondent Nos. 6 to 14

This is an application under Article 226 of the Constitution of India praying for direction upon the respondent authorities to investigate into the written complaint of the petitioner and to render appropriate police assistance to the petitioner so that the petitioner can enjoy and cultivate his lands without any interference.

The documents filed in court today on behalf of the petitioner showing that the petitioner has been granted anticipatory bail in connection with an Electricity Act case is taken on record.

Learned counsel appearing on behalf of the

petitioner submits as follows. The petitioner has a land where cultivation is done. He obtained benefits from a Government scheme to build a house. The private respondents had been demanding Rs.50,000/- from the petitioner for this. The petitioner protested and did not yield to such unjust demand. Then the petitioner was assaulted by the private respondents for which he had to undergo medical treatment. A sum of Rs. 35,000/- was taken away from him. The petitioner approached the local police station, but they failed to act. Incidentally there was a case started under the Electricity Act and the petitioner has already been granted anticipatory bail. The petitioner wants to enter into his own property without hindrance from anyone.

Learned counsel appearing on behalf of the private respondents denies the allegation of the petitioner and submits that the dispute is purely civil in nature.

Learned counsel appearing on behalf of the State relies on a report and submits as follows. An FIR has already been registered on the complaint of the petitioner and a charge sheet has also been submitted. It appears that there was a dispute between the petitioner and the private respondents over encroaching certain

portion of land and house of the petitioner.

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

It appears that the police have taken action in respect of the complaint filed by the petitioner. An FIR was registered and charge sheet has also been submitted. In this regard no further order need be passed.

However, there is no reason why the petitioner cannot enter his own house and land.

The petitioner shall be at liberty to enter into his own property. If any problem arises, the petitioner shall be at liberty to seek appropriate police help, which will be rendered by the police authorities.

As affidavits are not called for, the allegations made in the writ petition are deemed not have been admitted.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be handed over to the parties on urgent basis after completion of all necessary formalities.

(Jay Sengupta, J.)