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24.08.
2023
Ct. No.14

WPA 18282 of 2023

Sri Swapan Kumar Roy
Vs.
The State of W. B. & Ors.

Mr. Achyut Basu
Mr. Kartik Chandra Kapas
Ms. Punam Basu
Mr. Rup Chand Chakraborty
Mr. Anirban Saha
Mr. S. Bose
Ms. Pritha Biswas

.....For the Petitioner

Mr. Ashim Kumar Ganguly
Ms. Jyotsna Roy Mukherjee

.....For the State

Mr. Manabendra Thakur
Mr. Swarup Kumar Ghosh

.....For the Respondent Nos. 4 and 7

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the land and property in question. The private respondents are the co-villagers who are rank outsiders and have no right, title and interest over the property. Yet, they had been harassing and intimidating the petitioner's peaceful possession. They have also committed assaults for which complaints had been lodged. A recent complaint has also been lodged regarding damage of articles and theft of fish from the pond of the petitioner. Police have not acted in response to the complaints.

Learned counsel appearing on behalf of the

private respondents denies the allegations and submits that even the property in question does not belong to the petitioner. A civil suit is pending over this.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. A proceeding under Section 107 of the Code has already been initiated. The police are keeping a sharp vigil at the locale.

The complaint of 2019 is hardly a thing, which can be taken into account at this stage.

So far as the complaint of 2023 is concerned, if a cognizable offence is made out, the petitioner shall be at liberty to take steps in terms of the directions passed in *Alyque Padamsee Vs. Union of India*, (2007) 6 SCC 171.

It further appears that the police have initiated a proceeding under Section 107 of the Code. Therefore, no further order need be passed in this writ petition.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)

