

26 13.09.2023
NB Ct. 14

WPA 19916 of 2023

Sekh Madhu @ Madhu Sekh
Vs.
The State of West Bengal & Ors.

Ms. Priyakshi Banerjee.
...for the petitioner.

Mr. Biswabrata Basu Mallick Id. AGP.,
Mr. Tamal Taru Panda.
....for the State.

Affidavit of service filed on behalf of the petitioner is taken on record.

Report filed on behalf of the State is also taken on record.

A copy of the same is handed over to the learned counsel for the petitioner.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the property in question. The private respondent has been trying to disturb the petitioner's peaceful possession of such property. The private respondent and his men had been illegally taking out soil from the petitioner's land after uprooting trees that surrounded the property. When this was objected to, the petitioner was severely assaulted. The private respondent had filed a false case by preempting an action on the part of the petitioner. The petitioner has also given a complaint in writing before the police authorities, which had not been acted upon.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The matter is purely civil

in nature. However, there are allegations and counter allegations made by both the parties. A specific FIR being Nakashipara P.S. Case No.440 of 2023 dated 30th May, 2023 was registered upon a complaint made by the private respondent. A charge sheet was submitted in this case. On a complaint made by the petitioner, a proceeding was initiated under Section 107 of the Code. The police shall keep a close watch in the locality.

It appears that there is an existing dispute between the private parties in connection with the land purportedly owned by the petitioner.

The police have already acted upon the complaint of the petitioner and initiate a proceeding under Section 107 of the Code.

Therefore, no further order need be passed in this regard.

However, the respondent authorities shall keep a sharp vigil at the locale and ensure that no breach of peace takes place and no harm is done to the petitioner.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)

