

October 13, 2023
AD 9
Ct. No.14
SG

WPA 21074 of 2023

Subrata Roy and another
vs
State of West Bengal and others

Mr. Sayan Banerjee
... for the petitioners

Mr. Sk. Md. Galib
Mr. Tamal Taru Panda
... for the State

Mr. Sandipan Das
... for the private respondents

Report filed by the State is taken on record. Copies of the same have been handed over to the other side.

A copy of FIR in connection with Baruipur Police Station Case No.1204 dated 14.09.2023 is also taken on record.

Learned advocate for the petitioners submits as follows. The petitioners are the owners of the property in question. The petitioners had purchased the property in the year 2000. In 2015, one Bablu Mondal appeared and claimed that the property belonged to him. A proceeding under Section 144 of the Code had to be initiated. In 2019, others came and also claimed that they were the owners of the property. The private respondents had been disturbing the peaceful possession of the petitioners in respect of such property. In fact, the private respondents had forcibly occupied the entire land. Then another person came and claimed right in the property. The petitioners were constrained to file a civil suit. The

learned court was pleased to direct status quo to be maintained. But, the private respondents continuously violated the order. The petitioners were compelled to file as many as five FIRs and several complaints, but the police have done nothing in this regard. The petitioners obtained bail in respect of some cases. On one occasion, the petitioner No.2 was attacked when he came out after filing a complaint. Some of the private respondents are land mafias and the respondent no.6 is an accused in a murder case in respect of a land dispute.

Learned advocate for the private respondents submits as follows. Two title suits were filed by the petitioners. A Misc. Case was also filed and this Court has stayed the same. The respondent No.6 has also filed a civil suit in 2022 and obtained an order of status quo. Several FIRs have also been lodged against the petitioners. The petitioners have been lodging their complaints for frustrating the civil suit.

Learned advocate for the State relies on the report and submits that out of five complaints, charge sheet was submitted at least in three cases. It appears that the complaints have also been filed on behalf of the other side. However, there is a civil dispute pending between the parties.

It appears that even after filing of the present writ petition, the private respondents lodged a fresh FIR against the petitioners. The report does not contain anything about the same.

However, several civil suits and criminal cases are pending between the private parties.

Any further relief in respect of the land to be claimed by any of the parties shall have to be before the civil court.

It further appears that the police have taken action by registering FIRs from both sides and charge sheets have also been submitted.

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

However, the police shall keep a sharp vigil at the locale, ensure that no breach of peace takes place and see that no order of a civil court is violated.

In the event any untoward incident occurs or is apprehended by the petitioners, the petitioners shall be at liberty to inform the Officer-in-Charge of the local police station who shall take steps in accordance with law.

As affidavits were not called for, the allegations made are deemed not to have been admitted.

With these observations, the writ petition is disposed of.

Urgent certified copies of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

[Jay Sengupta, J.]