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27.09.2023
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Ct 14

WPA 21331 of 2023

Mursad Sk
-vs-
State of West Bengal & ors.

Mr. Partha Sarathi Das
Mr. Debojyoti De
...for the petitioner
Mr. Sanjib Seth
...for the private respondents 5 to 10
Ms. Jhuma Chakraborty
Mr. Suddhadev Adak
...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.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the property in question at the bank of Mayurakhi river. The private respondents are engaged in illegal sand mining. This is damaging the petitioner's property. Several representations were made before the concerned authorities, but in vain. After such complaints were made, the private respondents have made an attempt on the life of the petitioner. A complaint was lodged in this regard, but was not acted upon.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations made in the writ petition are denied. The petitioner failed to obtain an

injunction in a civil suit filed by him in this regard. This prompted him to make this absurd allegation.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. On the complaint of the petitioner, a specific case being Burwan PS Case No. 356 of 2023 dated 05.09.2023 under Sections 341, 323, 307, 427, 506 and 34 of the IPC and 11 WB Trees (Protection and Conservation in non Forest Area) Act, 2006 has been registered. The same is being investigated. The police are keeping a close watch at the developments in the area.

It appears that the petitioner's complaint has already been acted upon. A specific FIR has been lodged.

Let the investigation of the case be carried out under the direct supervision of Superintendent of Police, Murshidabad Police District.

The respondent police authorities shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

Since affidavits were not called for, allegations are deemed not to have been admitted.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)