

WPA 21982 of 2023

Sanjay Gupta

-vs-

State of West Bengal & ors..

Mr. Maloy Bhattacharya

Mr. Subhrajyoti Ghosh

Ms. Sudipa Sengupta

.....for the petitioner

Mr. Jayanta Samanta

Mr. Rinku Sen

...for the State

Mr. Soumik Ganguli

Ms. Chandana Chakraborty

...for the private respondents

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 recorded owner of the land in question. The private respondents are rank outsiders. Taking advantage of the petitioner's absence, they are disturbing the peaceful possession of the petitioner in respect of such land and trying to grab the property in question. This was brought to the notice of the police. But no action was taken.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations made in the writ petition are denied. The private respondents are the patta holders of the land in question. The issue can only be

decided by a competent Civil Court.

Learned counsel appearing on behalf of the State submits as follows. On the complaint of the petitioner, the police authorities lodged an FIR which culminated in Khatra PS Charge Sheet no. 10/23 dated 31.01.2023 under Sections 447, 323, 506 and 34 of the Indian Penal Code. The police authorities also filed their report in the proceeding under Section 145 of the Code filed by the petitioner.

It appears that there is a dispute regarding the property in question.

It also appears that the police have taken steps on an earlier complaint of the petitioner by registering an FIR and thereafter, filing a charge sheet. The police have also filed a report in the proceeding under Section 145 of the Code initiated by the petitioner.

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

However, the police authorities shall keep a strict vigil at the locale, ensure that no breach of peace takes place and see to it that no order of a Civil Court is violated.

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.)