

24.11.2023

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W.P.A. 22581 of 2023

Sk. Manower Alam & ors.

Vs.

The State of West Bengal & ors.

Mr. Mohinoor Rahaman

Ms. Iqra Rahaman

... for the petitioners

Ms. Sonel Sinha

Mr. Avishek Prasad

... for the State

Mr. Sujay Bandyopadhyay

Mr. Subham Saha

... for the respondent nos.4, 5 & 6

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

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

Learned Counsel for the petitioners submits as follows. The petitioners are the owners of the land in question. The private respondents who are rank outsiders are trying to disturb the possession and enjoyment of the property by the petitioners. They had approached the B. L. & L. R. O. for correction of records. After their application was rejected they preferred an appeal, which was also turned down. In spite of this by use of physical force they are trying to grab the property. The police authorities were approached for taking

necessary action by filing an F.I.R. but the police did not take any steps.

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 actual owners of the property in question. An appeal in connection with the petitioners' claim regarding correction of records is still pending.

Learned Counsel appearing on behalf of the State relies on the report and submits as follows. The disputes between the parties are purely civil in nature. However, on the complaint of the petitioners the police have taken steps and have initiated the proceeding under Section 107 of the Code of Criminal Procedure.

It appears that a civil dispute exists between the private parties over a landed property.

If any of the parties wants to establish their rights in respect of the same, the same has to be done before the concerned authority.

If the petitioners believe that their complaint makes out the cognizable case and the police erred in not registering an F.I.R., they shall be liberty to act in terms of the ratio laid down in Aleque Padamsee's case reported in (2007) 6 SCC 171.

It also appears that the police have taken some steps by initiating proceeding under Section 107 of the Code on the complaint of the petitioners.

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

However, the police authorities shall keep a sharp vigil at the locale, ensure that no breach of peace takes places and see to it that no order of the 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.)