

December 1, 2023
Sl. No. 8
Court No.2
s.biswas

**In the Calcutta High Court
Circuit Bench at Jalpaiguri
Appellate Side**

WPA 2499 of 2023

Bapi Dhar

vs.

The State of West Bengal and others

Mr. Sourav Guha Thakurta

Mr. Debajit Kundu

... for the petitioner

Mr. Subir Kumar Saha, AGP

Ms. Bedashruti Bose

... for the State

Mr. Momenur Rahman

Mr. Bikash Singha

... for the respondent nos.4 to 7

The petitioner is aggrieved, as the Officer-in-Charge of the New Jalpaiguri Police Station had failed and neglected to take steps on the basis of the complaint lodged by the petitioner, against the respondent nos.4 to 7.

According to the petitioner, the said persons trespassed into the property at night and had been disturbing the possession of the petitioner.

It is contended that the said persons were strangers to the property. They were the land mafias who were trying to dispossess the petitioner.

Mr. Rahman, learned advocate for the respondent nos.4 to 7 submits that the said respondents are the actual land owners in respect

of the land over which the dispute has arisen. The said respondents have already filed two separate suits against the principal of the petitioner. Orders of injunction have been passed, restraining the defendant in this suit from entering into the suit land.

It is further submitted that suppressing the pendency of the said suits, the petitioner has also filed another suit before the learned civil court and has obtained an order of injunction.

There appears to be a dispute with regard to right, title and interest of the land in question and there are civil suits pending. The issue is, whether any mandamus should be issued on the police authorities.

The police authorities have filed a report and the same is taken on record. It appears that on the complaint filed by the petitioner, NJP PS Case No.401 of 2023 dated May 5, 2023 under Sections 447, 506, 427 and 34 of the Indian Penal Code was registered and S.I. Shib Shankar Das had been assigned the investigation.

The I.O. recorded the statement of the complainant, visited the suit property, drew a rough sketch map and also recorded the statements of other witnesses under Section 161

of the Code of Criminal Procedure. The I.O. had sent a requisition to the Block Land & Land Reforms Officer, Rajganj for particulars of the land in question. It also appears that the police authorities are maintaining a vigil and patrolling is going on. There is also a counter case by the respondent nos.4 to 7, which is also under investigation.

Under such circumstances, the allegation of inaction on the part of the police authorities is not established. The police authorities are being directed to continue the vigil, so that no untoward incident takes place. They shall conclude the investigation in a free and fair manner, strictly in accordance with law.

The writ petition is disposed of accordingly.

There shall be no order as to costs.

All the parties are directed to act on the basis of the server copy of the order.

(Shampa Sarkar, J.)