

S/L 14
22.4.2024
Court No.14
SD

WPA 742 of 2024

Sk. Anamul Haque
Vs.
The State of West Bengal & Ors.

Md. Sarwar Jahan
Md. Ashraful Huq
Mr. Maidul Islam Kayal
Mr. Asif Mehdi

...for the Petitioner.

Mr. Ansar Mandal
Mr. Asish Dutta

...for the State.

Mr. Uttiya Ray
Mr. Arnab Mandal

...for the Respondent Nos.10-14.

Mr. Sougata Mitra
Mr. Nikhil Kr. Gupta
Ms. Soma Chakraborty
Mr. Subhadeep Maitra

...for the Respondent No.15.

Report filed in the form of affidavit on behalf of the respondent no.9 is taken on record.

Copy of charge sheet filed in Para PS Case No.7 dated 14.01.2024 filed on behalf of the petitioner is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the land in question. The petitioner's name is appearing in the land records. All of a sudden, a political leader owing allegiance to the ruling dispensation with the help of his associates trespassed into his property and started making illegal construction. When the petitioner went to police station to file a report, no GD entry was recorded or at least the number was not provided to the petitioner. When he asked for it, he was beaten up by the police officer. After the writ

petition was filed, the family members of the petitioner were threatened. Police took away motor cycle belonging to the petitioner.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. A civil dispute is pending between the private parties. The petitioner is only the owner of a part of the land that he claimed. On the allegations leveled by the petitioner, an FIR was registered and a charge sheet has already been submitted.

Learned counsel appearing on behalf of the respondent nos.10 to 14 denies the allegation and submits as follows. The land in question was actually transferred to the private respondents in 2005 while it appears that the petitioner is relying on a deed executed in 2023 by the same vendor in his favour. However, the private respondents have not made any illegal construction on the land in question.

Learned counsel appearing on behalf of the respondent no.15 submits that his client has already been transferred. A general diary was in fact lodged on the same day as it was presented by the petitioner. The respondent no.15 denies any wrong doing.

It appears that there is a civil dispute pending between the private parties, although as of now no civil suit is pending.

If any of the parties wants to establish any further right in respect of the said property, the same has to be done before a civil court, but not by exercise of brute force.

It appears that the police have already taken steps by registering an FIR and filed a charge sheet on the allegation made by the petitioner.

If any further cognizable offence is committed, either of the parties shall be at liberty to approach the police station for registering an FIR.

However, without prejudice to and without going into the allegations of misbehaviour by the respondent no.15, it is made clear that in any of these investigations or law keeping activity pertaining to the property in question and/or petitioner, the respondent no.15 shall not be engaged.

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

With these observations, WPA 742 of 2024 is disposed of.

Since the Court did not invite the parties to file affidavits, the allegations made are deemed not to have been admitted.

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

(Jay Sengupta, J.)