

04 21.03.2024
NB Ct. 14

WPA 975 of 2023

Rekha Halder & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Amit Bikram Mahata.
...for the petitioners.

Mr. Asish Kumar Guha.
...for the State.

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

It does not appear that the private respondents could be served with notice.

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

Learned counsel appearing on behalf of the petitioners submits as follows. The private respondents want to grab the petitioners' property. They had filed a title suit, which was dismissed. The appeal was dismissed for default. Thereafter, the private respondents forcibly occupied the petitioners' house and put a lock there. The petitioners approached the Executive Magistrate under Section 144(2) of the Code. There was direction passed upon the police to file a report, but the same has not been filed.

Learned counsel appearing on behalf of the State submits as follows. There is a dispute between the private parties. The police have initiated a proceeding under Section 107 of the Code against all concerned. However, during enquiry, it was found that the petitioners could not be contacted.

If the police have not yet filed a report as required in terms of a direction passed under Section 144 of the Code, they shall do so at the earliest.

The petitioners shall also cooperate with the enquiry.

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

No further order need be passed in this regard.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)