

May 1, 2024
AD 1251
Ct. No.14
SG

WPA 1033 of 2024

Rohit Mondal and others
vs.
The State of West Bengal and others

Mr. Chandan Misra
Mr. Partha Sarathi Deb Barman
Ms. Pramila Halder
... for the petitioners

Mr. K.J. Yusuf
Ms. Rupsha Chakraborty
... for the State

Mr. Shamit Sanyal
Mr. Sabyasachi Roy
... for the respondent Nos.8 & 9

Affidavit of service and supplementary affidavit filed by the petitioners are taken on record.

Report filed by the State is also taken on record.

Learned counsel for the petitioners submits as follows. The petitioners are in possession of the land in question. The land is a vested one. The petitioners' prayer for obtaining patta is pending. Since December 2023 the private respondents have been creating disturbance and have been harassing and intimidating the petitioners. Again on 20.03.2024 they attacked and assaulted the petitioners and looted away a few things. In fact, they had put padlock on the house of the petitioners at the said property. After the private respondents were granted bail, things became worse.

Complaints were made before the police, but no step was taken.

Learned counsel for the respondent Nos.8 and 9 denies the allegations and submits that the petitioners as well as the private respondents are developers of the property.

Learned counsel for the State relies on the report and submits as follows. There is a dispute pending between the private parties. However, on the complaint of the petitioners, a proceeding was initiated under Section 107 of the Code and then a specific FIR was registered being Narendrapur PS Case No.45 dated 10.01.2024 under Sections 448/427/325/308/379/506/34 IPC.

It appears that a dispute exists between the private parties.

If any of the parties wants to establish any further right in respect of the subject matter or the property, the same has to be done before a civil court and not by use of brute force.

It further appears that the police have taken steps on the complaints of the petitioners by initiating a proceeding under Section 107 of the Code and by registering an FIR.

Let the police conclude the investigation of the case expeditiously and in accordance with law.

The police shall also keep a sharp vigil at the locale and ensure that no breach of peace takes place. Surveillance shall include frequent visits by police patrol.

With these observations, the writ petition is disposed of.

As affidavits were not called for, the allegations made are deemed not to have been admitted.

Parties shall act on server copy downloaded from the official website of this Court.

[Jay Sengupta, J.]