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18.10.2024
Ct. No. 3
rrc

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)**

WPA 2078 of 2024

(Balai Mondal Vs. The State of
West Bengal & Ors.)

Mr. Tapas Kumar Dey

.... For the petitioner

Mr. Vimal Kr. Shaw

Mr. Hare Krishna Haldar

Mr. Md. Masood

.... For the State respondents

Mr. Kaushik Chatterjee

Mr. Biswarup Dasgupta

Mr. Shirsha Chakraborty

.... For the respondent no. 6

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This writ petition has been filed by the petitioner under Article 226 of the Constitution of India seeking for a direction upon the State respondents particularly the respondent no. 5 to initiate action against the private respondent nos. 6 to 9.

The petitioner's case is that the petitioner is a Bargadar in respect of land comprised within mouza – Bhagabanpur, Police Station – Bhangore, Dag No. – 11, 32 and 146, Khatian No. 2391, 1798, 1797, 1799, 1602, J.L. No. 10, District – South 24 Parganas. The petitioner previously filed a writ petition being WPA 16140 of 2023 with the contention that the promoters and developers of the land are trying to grab the land by using money and muscle power. This Court in above writ petition on 3rd October, 2023 passed the following order that in the event any untoward incident occurs or is apprehended by

the petitioner, they shall be at liberty to call up the Officer-in-Charge of local police station who shall act in accordance with law. Pursuant thereto the petitioner on 25th December, 2023, made a representation/complaint seeking for police action. Since no step has been taken, hence this writ petition.

Mr. Tapas Kumar Dey, learned advocate appearing for the petitioner submits that the police has not taken any steps despite representation/complaint made by the petitioner. He seeks for appropriate direction upon the respondent no. 5 for taking appropriate measures.

On the contrary, Mr. Kaushik Chatterjee, learned advocate appearing for the private respondent no. 6 submits that already the land in question has been transferred by the rayat. The petitioner does not have any existing right over the land. He further indicates that the entire dispute is civil in nature and moreso when on the selfsame cause of action previously a writ petition was filed, second writ petition filed by the petitioner is not maintainable. He submits that the writ be dismissed *in limine*.

Mr. Vimal Kr. Shaw, learned advocate appearing for the State respondents submits that the entire dispute is civil in nature and furthermore the representation/complaint has been lodged before the Officer-in-Charge, Cossipore Police Station and not before local Rajarhat Police Station. Moreover, the local police

authority is co-operating. He seeks that the writ petition be dismissed.

Upon going through the material on record and the submissions advanced on behalf of the petitioner, it is found that the entire dispute is civil in nature. It is informed by the learned advocate appearing for the State respondents that the police is cooperating with the petitioner. Such being the position, I do not find merit in the application.

Accordingly, the writ petition being **WPA 2078 of 2024** stands dismissed.

Interim order, if any, stands dismissed.

All connected applications, if any, stand dismissed.

All connected parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent Photostat copy of this order, if applied for, be given to the parties upon compliance of necessary legal formalities.

(Bivas Pattanayak, J.)