

09.05.2024
Ct. No. 14
Item 1306
Cp

WPA No. 2952 of 2024

Dilip Kour
Vs.
The State of West Bengal & Ors.

Mr. Sourav Guha Thakurta
Mr. Surajit Dutta
.....for the petitioner.

Mr. Arup Krisna Das
Mr. Abdus Salam
.....for the respondent nos. 4 & 5.

Mr. Biswabrata Basu Mallick
Ms. Parna Roy Choudhury
.....for the State.

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

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

Learned counsel appearing on behalf of the
petitioner submits as follows. The petitioner is the owner
of a pond. The private respondents are the owners of an
adjacent land. Of late they have been trying to fill up the
pond and grab the property of the petitioner. This has
been brought to the notice of the police but no steps have
been taken. The petitioner also filed a civil suit in this
regard. An injunction order was passed. A direction was
also given to the police authorities to file a report. In their
report the police authorities wrongly stated that no filling
up of water body was going on.

Learned counsel appearing on behalf of the private respondents denies the allegations and submits that the dispute is purely a civil in nature. The petitioner could have prayed for appropriate relief before the civil court.

Learned counsel appearing on behalf of the State relies on the report and submits that there is a dispute pending between the private parties. Owing to the disputes between the private parties, the police had to visit the locale a number of times. Several G.D. entries were lodged. Enquiry revealed that upon an amicable settlement between the private parties, the private respondents constructed a boundary wall over their land. On November 13, 2023 a mob owing to allegiance to the petitioner broken down one side of the boundary wall and the other side was broken later with the help of JCB vehicles. This incident was captured in a video recording and still photographs were also taken. Over a complaint of one Umesh Kumar Dokania, Raniganj Police Station Case No. 476 dated November 14, 2023 was registered under Sections 143/447/341/427/379/506 of the Indian Penal Code.

It appears that there is a civil dispute pending between the parties. In fact a civil suit was instituted and an interim injunction was also granted.

If the petitioner is aggrieved with the report filed by the State before the civil court, he shall be at liberty to

challenge the same and pray for an appropriate order before the civil court and/or adduce proper evidence at an appropriate stage.

I find no ground to interfere with the regular proceeding pending before a civil court in this regard.

However, over the allegations of commission of criminal acts, the police authority shall take appropriate steps on complaints by either side.

It appears that the police have taken some steps and registered an FIR against the petitioner. Let the investigation be concluded expeditiously and in accordance with law.

The police shall keep a sharp vigil at the locale, ensure that no breach of peace takes place and see to it that no order of the civil court is violated. Surveillance shall include frequent visits by police patrol.

With these observations, WPA No. 2952 of 2024 is disposed of.

As affidavits were not called for, 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.)