

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 4383 of 2024

**Ajit Mishra & Anr.
-versus
The State of West Bengal & Ors.**

**Mr. Amit Ranjan Pati.
Ms. Swastima Chowdhury.
...For the Petitioners.**

**Mr. Debangshu Dinda.
...For the State.**

**Mr. Pinak Kumar Mitra.
Ms. Subhanwita Ghosh.
Ms. Pallavi Pain.
... For the OP nos. 8 to 16.**

The petitioner no. 1 is a septuagenarian and the petitioner no.2 is his brother.

The petitioners are the heirs of the recorded owner, their father Manmatha Mishra, in respect of a plot of land where a private temple is being maintained and used by the petitioners for a considerable period of time.

Dispute cropped up with regard to the management of the temple at the behest of the private respondents who are the villagers.

Altercation, assault, vandalism and ransacking of the temple at the instance of the villagers was reported by the petitioners to the police.

The petitioners submit that after the aforesaid incident was reported to the police, the villagers are threatening the petitioners with dire consequences, ostracizing the petitioners, administering pesticides in the water body maintained by the petitioners and his family members because of which the fishes in the

water body has died and the petitioners suffered huge financial loss.

The petitioners claim that the villagers have lodged false complaint against the petitioners.

A further complaint was lodged by the petitioner no. 1 Ajit Mishra on 14th June, 2024 before the I.C., Keshiary P.S. but the same has not been acted upon by the police.

Learned advocate representing the private respondents being the villagers denies the allegations of the petitioners. It has been submitted that the petitioners ought to have approached the learned Court where the proceeding in question is sub judice.

Learned advocate representing the State respondents relies upon the instruction forwarded by the I.C. Keshiary signed on 25.02.2024 which mentions that the complaint lodged by the respective parties have been investigated and charge sheet filed in respect of all FIRs.

The police have also submitted prosecution under Section 107 Cr.P.C. against the private respondents.

As it appears that the charge sheets have already been filed and the trial has been reported to have been started, accordingly, it will be open for the petitioners to approach the learned Court in seisin of the matter for necessary relief.

The police are directed to ensure that there is no breach of peace in the locale and no harm is caused to the life and property of the petitioners and their family members at the hands of the any of the parties.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)