

May 6, 2024
AD 16
Ct. No.14
SG

WPA 12607 of 2024

Mamata Thakur
vs.
The State of West Bengal and others

Mr. Pritam Chowdhury
Mr. Soumen Biswas
Ms. Malabika Bhowmic
... for the petitioner

Mr. Suman Sengupta
Ms. Amrita Panja Moulick
... for the State

Mr. Rajdeep Majumder
Mr. Moyukh Mukherjee
Ms. Sagnika Banerjee
Mr. Souvik Palodhi
... for the private respondent

Report filed by the State is taken on record. Copies of the same are handed over to learned advocates for the other side.

Learned counsel for the petitioner submits as follows. The petitioner is the Sanghadhipati of All India Matua Mahasabha and is also the owner of the land with a tin structure measuring about 15.5 decimal situated at Mouza Chikanpara, JL No.44, Touzi No.17, Khatian No.507, RS & LR Dag Nos.1715, 1716 and 1717 in North 24 Parganas. The petitioner is a Member of the Rajya Sabha and also a leader of the ruling political party. The private respondent is a Member of Parliament for the Bongaon Constituency since 2019 and also a leader of the opposition political party. The disputes arose

between the private parties on 07.04.2024 at about 6 pm when the private respondent with his men and agents suddenly attacked the petitioner when the Matua Dharma Mahamela-2024 was going on. The armed hooligans broke the main door and surveillance camera and stole important documents pertaining to Matua Sangha. The petitioner was abused in filthy language. Over such incident, the petitioner made a complaint being Gaighata PS Case No.327 dated 07.04.2024. When the petitioner went to lodge a complaint before the police, some hooligans entered into the room and illegally locked the door of the premises for which another complaint was lodged. The petitioner has also filed a petition under Section 145 of Cr.P.C. being M. Case No.447 of 2024 before the learned Sub-Divisional Executive Magistrate by an order dated 15.04.2024. The learned Magistrate directed enquiry and fixed the matter for hearing on 31.05.2024. The petitioner had filed a civil suit in this regard.

Learned counsel for the private respondent denies the allegations and submits as follows. Actually the private respondent is the Sanghadhipati of the All India Matua Mahasabha and the property in question belongs to the trust. Over the incident as alleged, two FIRs had been lodged. One by the petitioner and other by the private respondent. In respect of the present petitioner's FIR, this Court has already granted a protection to the present private respondent and in respect of the private

respondent's FIR, no steps were taken by the police for investigating the same as the present petitioner belongs to the ruling political dispensation. The private respondent had filed the civil suits being Nos.TS 63/2022 and TS Nos.124/2018 are pending over the property.

Learned counsel for the State relies on the report and submits as follows. Cases are pending from the either side. In respect of a proceeding under Section 145 of Cr.P.C., a report has already been sent to the learned Executive Magistrate.

It appears that there is a tussle between the petitioner and the private respondent over the property in question and as to who is the actual Sanghadhipati of the All India Matua Mahasabha.

It also appears that civil suits are pending over the property and the petitioner has also filed a proceeding under Section 145 of Cr.P.C.

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.

Subject to claim to be decided by the civil court, let the proceeding under Section 145 of the Code initiated by the petitioner be decided expeditiously and in accordance with law. However, the learned Magistrate shall test the maintainability of the application under Section 145 of the Code in terms of the ratio laid down in *Amresh Tiwari vs Lalta Prasad Dubey & Anr.*, (2000) 4 SCC 440.

No further order need be passed in this regard.

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

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 a server copy of this order duly downloaded from the official website of this Court.

[Jay Sengupta, J.]