

Item No.22

27.06.2024
Ct-14

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 13193 of 2023
Swapan Pal & Anr.

v.

The State of West Bengal & Ors.

Mr. Saibal Kumar Acharya
Mr. Aninda Bhattacharya
Mr. Krishna Pada Santra
Mr. Sahan Shah
Mr. Sudip Sarkar
... for the petitioners.

Mr. Amitesh Banerjee, Ld. Sr. S.C.
... for the State.

The petitioners submit that despite several orders passed by the learned Civil Court, the private respondents are illegally disturbing in peaceful occupation of the subject pond by the petitioners.

According to the petitioners, the private respondents are illegally catching the fish of the pond.

Complaint was lodged before the Officer-in-Charge, Kharagpur Local Police Station on repeated occasions. No steps have been taken by the police.

Learned advocate representing the State respondents submits, upon instruction that, the police duly took steps in response to the complaint filed by the petitioners and registered FIR being FIR No. 395/17 which ended in Charge-sheet No.460/17.

After further complaint was lodged in the month of May 2023, the police conducted an investigation and submitted prosecution u/s 427 IPC vide Kharagpur Local Police Station NCR 656/23 dated June 25, 2023.

The report mentions that a sharp vigil has been kept in the locality to maintain peace and tranquility.

As the petitioner has already approached the learned Civil Judge, the petitioners may seek further remedy before the learned trial Court. However, the police is directed to continue the sharp vigil and ensure that no breach of peace takes place at the locale.

The writ petition stands disposed of.

Report filed by the Officer-in-Charge, Kharagpur Local Police Station signed on June 24, 2024 be retained with the records.

Affidavit-of-service filed in Court today is taken on record.

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

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(Amrita Sinha, J.)