

17.12.2024
Sl. No.27(DL)
srm

W.P.A. No. 16707 of 2024

Netai Mondal

Versus

The State of West Bengal & Ors.

Mr. Lakshminath Bhattacharya

...for the Petitioner.

Mr. Wasim Ahmed,
Sk. Md. Masud

...for the State-respondents.

Mr. Suprabhat Bhattacharya,
Mr. Biswajit Das

...for the Respondent Nos.11 to 15.

Affidavit-of-service so filed be kept with the record.

Petitioner is aggrieved by the fact that in spite of complaining regarding the overt acts of the private respondents, the police authorities did not take any steps. Attention of the Court was drawn that the superior officer of the police authorities was informed on or about 11.06.2024, however, the police authorities till date has not taken any action.

Learned Advocate for the private respondent Nos.11 to 15 submits that in respect of an undivided property unnecessarily the petitioner is invoking the jurisdiction of the

writ court wherein a suit for declaration has already been filed and is pending between the parties.

Learned Advocate for the State has submitted a report. Report reflects that over the complaint made by the petitioner Raidighi Police Station Case NO.382 of 2023 dated 06.07.2024 has been registered for investigation and the investigation is still in progress. Further, report reflects that because of the nature of dispute existing between the petitioner and the private respondents, proceedings under Sections 107/116 of the Code of Criminal Procedure have been drawn up by the police authorities.

In view of the police authorities having already taken steps, so far as the rest of the contentions are concerned, regarding removal of soil, the petitioner would address such issue before the appropriate authority.

With the aforesaid observations, writ petition being WPA 16707 of 2024 is disposed of.

There shall be no order as to costs.

Report so submitted be kept with the record.

Copy of the report be handed over to the petitioner and the private respondents.

All concerned parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)