

13.08.2024

WPA 17317 of 2024
Sri Asit Nayek & Anr.
Vs.
State of West Bengal & Ors.

Ms. Usha Maity
Mr. Sakya Maity

... .. for the petitioners

Mr. Soumen Chatterjee

... .. for the State

Affidavit of service filed in Court be kept with the record.

Learned counsel appearing for the petitioners submits the petitioners are the absolute owners of the land which is cultivated by them for their livelihood and the private respondents without any authority of law are regularly disturbing the petitioners in cultivating such land. Petitioners made a complaint before the Officer-in-Charge, Keshpur Police Station for rendering police help and for protection of lives and properties of the petitioners but till date no steps have been taken by the police authorities.

Learned counsel appearing for the State files report and submits that after receiving of the complaint from the petitioners, all steps have been taken including registering G.D. being Keshpur PS GDE No.35 dated 01.06.2024.

Let the report be kept with the record.

Heard learned counsels appearing for the parties. Perused the petition as well as the report filed by the State.

From the report it is apparent that the police authorities have not explored the possibility of initiating the proceeding under Section 107 of the Code considering the complaint that the petitioners had allegedly made to the police. If the respondents want to establish any right over the property, the same has to be done before the Civil Court and not by use of brute force.

Police shall keep a sharp vigil at the locale and ensure that no breach of peace takes place. The surveillance shall include frequent visits by the police patrol. Police shall also explore the possibility of initiating a proceeding under Section 107 of the Code.

As affidavits were not called for, allegations are deemed to have been denied.

With the above directions, the Writ Petition being WPA 17317 of 2024 is disposed of.

There shall be no order as to costs.

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

(Rajarshi Bharadwaj, J.)