

D/L.86.
October 3, 2024.
MNS.

WPA No. 23465 of 2024

Sandhya Karmakar and others
Vs.
The State of West Bengal and others

Mr. Joy Chakraborty,
Mr. Sandip Dinda,
Mr. Ranjit Malakar

... for the petitioner.

Mr. Jayanta Samanta,
Ms. Indu Mouli Banerjee

...for the State.

As prayed for by the learned Advocate for the petitioners, leave is granted to the learned Advocate to amend the prayer portion of the writ petition insofar as the name of the police station is concerned. Let such amendment be carried out here and now.

Affidavit-of-service filed by the petitioners is taken on record. The learned Advocate appearing for the petitioners submits that the private respondents have been duly served. Despite service, none appears for the private respondents.

The petitioners state that the private respondents herein filed suit, being Title Suit No. 117 of 2003 against the petitioners herein before the learned Civil Judge (Junior Division) 1st Court at Howrah. The said suit was dismissed by a

judgment and decree dated February 7, 2014. Challenging the same, two appeals, being Title Appeal No. 39, of 2014 and Title Appeal No. 40 of 2014, were preferred. The learned Advocate appearing for the petitioners submits that the said title appeals were also dismissed by a judgment and decree dated September 22, 2023. The learned Advocate appearing for the petitioners also submits that the private respondents are creating disturbances in the peaceful possession of the petitioners in respect of the property-in-question.

The learned Advocate appearing for the State files a report of the Officer-in-Charge of Panchla Police Station dated September 25, 2024, which is taken on record.

In the said report, it has been specifically stated that the private respondent no. 4 has filed a second appeal before this court, being SAT No. 221 of 2023 and the same is pending before this hon'ble Court.

The learned Advocate appearing for the petitioners submits that the police authorities have not taken any steps pursuant to the complaint lodged by the petitioners before the police authorities.

It appears from the report of the Officer-in-Charge of Panchla Police Station that pursuant to

the said complaint, enquiries were made and the Sub Inspector of Police, Panchla Police Station submitted a prosecution against the respondent nos. 4, 5, 6 and 8 vide Panchla Police Station NCR No. 402 of 2024 dated March 31, 2024 under Section 107 of the Code of Criminal Procedure.

It will be open to the petitioners to take appropriate steps in case the petitioner feels aggrieved with the action taken by the police authorities.

The Officer-in-Charge of Panchla Police Station is directed to ensure that no breach of peace takes place at the locale.

Petitioners are left free to approach the proper forum in accordance with law if the petitioners' possession in respect of an immoveable property is disturbed by the private respondents.

With the above observations and directions, the writ petition stands disposed of.

There will be no order as to costs.

Photostat certified copy, if applied for, be given to the parties.

(Hiranmay Bhattacharyya, J.)