

January 2, 2024
AD 21
Ct. No.14
SG

WPA 24116 of 2023

Sankar Sil
vs.
The State of West Bengal and others

Mr. Sukumar Ghosh
Ms. Moumita Ghosh
... for the petitioner

Ms. Noelle Banerjee
Ms. Kalpita Paul
... for the State

Affidavit of service filed in Court is taken on record.

Report filed by the State is also taken on record.

Despite service no one appears on behalf of the private respondents.

Learned advocate for the petitioner submits as follows. The petitioner is the owner of the landed property in question. His name is recorded in the record of rights. He enjoys electricity connection in the said property. In spite of these, on 22.01.2023 the private respondents forcibly took possession of the said property. A complaint was made before the police authorities in the month of September, 2023 but no action has been taken by the police.

Learned advocate for the State relies on the report and submits as follows. The petitioner made a complaint about dispossession from a property on 22.09.2023, after about 9 months from the alleged date of dispossession. Police enquired into the matter and found that there was

breach of peace on that particular day. Accordingly, the police have initiated a proceeding under Section 107 of the Code.

It appears that there is a civil dispute between the parties.

Had the petitioner been aggrieved that the alleged dispossession by the private respondents in the said property, he could have either proceeded in terms of Section 145 of Cr.P.C. or filed a civil suit in this regard or immediately approached the appropriate authorities.

It also appears that the first complaint about the alleged dispossession was made on 22.09.2023. The police have acted on the same and initiated a proceeding under Section 107 of the Code.

If the petitioner wants to establish any further right in respect of the said property, the same has to be done before a civil court.

No further order need be passed in this regard.

The police authorities shall keep a vigil at the locale, ensure that no breach of peace takes place and no order of a civil court is violated.

With these observations, the writ petition is disposed of.

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

[Jay Sengupta, J.]

