

Sl. No.28
08.01.2024
Court no.14
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*IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE*

W.P.A. 24140 of 2023

*Subham Gupta
Vs.
The State of West Bengal and Ors.*

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

Mr. Ansar Mondal
Mr. Md. Idrish
....for the State.

None appears on behalf of the private respondents despite service as appears from the affidavit of service filed earlier.

Report submitted on behalf of the State be also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the property in question. His name has been recorded in the record of rights. Yet, the private respondents are disturbing the possession and enjoyment of the property by the petitioner. They are falsely claiming that they are the owners of the property. They have filed a civil suit. The private respondents are issuing threats to the petitioner. The petitioner was constrained to file an

application under Section 156(3) of the Code. A criminal case was started, but the police authorities have not taken any step in respect of the same.

Learned counsel for the Police Authorities submits as follows. Pursuant to a direction passed under Section 156(3) of the Code, Haripal P. S Case No. 171 dated 20-04-2023 was started under Sections 466/471/506/34 IPC. Necessary steps were taken including the examination of the witnesses, issuing notices under Section 91 of the Code. However, the accused obtained anticipatory bail.

It appears that a civil dispute exists between the private parties. Both claim ownership to the same property. However, according to the petitioner his name has been mutated in the record of rights.

It also appears that the police authorities have taken steps in investigating the case started by the petitioner. The accused was granted anticipatory bail.

Let the investigation be concluded expeditiously and in accordance with law.

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

With the aforesaid observations, the writ petition being WPA 24140 of 2023 is disposed of.

All concerned parties are to act in terms of a copy of this order downloaded from the official website of this court.

(Jay Sengupta, J.)