

38 08.01.2024
NB Ct. 14

WPA 24494 of 2023

Mantu Mandal
Vs.
The State of West Bengal & Ors.

Ms. Priyanka Jana,
Mr. Bikramjit Mandal.
...for the petitioner.

Mr. Jhuma Chakraborty,
Mr. Suddhadev Adak.
...for the State.

Mr. Pradip Kumar Mondal,
Mr. Arka Mondal.
...for the respondent no.4.

Affidavit of service filed on behalf of the petitioner is taken on record.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is a homeguard working in the Kolkata Police. He purchased a property and his name was recorded in the record of rights. But, the private respondent who is an adjoining landowner has been trying to disturb the possession and enjoyment of the property by the petitioner. A complaint case was filed in the year, 2019. Thereafter, the petitioner was again assaulted by the private respondent in the year, 2021. Again, a complaint case was filed. This failed to deter the private respondents from continuing with such illegal

acts. Again the petitioner was assaulted. A complaint was made to the police, but no action was taken.

Learned counsel appearing on behalf of the private respondent submits as follows. The private respondent is the owner of eight decimals of land, which is now being claimed by the petitioner. A dispute thus arose between the private parties. The petitioner had also made several complaints were made before the police. Some of them were registered as FIRs.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. There are cases and counter cases started on behalf of the parties. Two such criminal cases filed by the private respondent ended in final reports. The dispute between the private parties is purely civil in nature. However, the police are keeping a close watch on the developments in the locality.

It appears that a civil dispute exists between the private parties. If any of the parties wants to establish any further right in respect of the property, the same has to be done before a civil Court.

It also appears that on the complaint of the private parties, the police authorities have taken steps.

Therefore, no further order need be passed in this regard.

However, the police authorities shall 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, if any, is violated.

With these observations, the writ petition is disposed of.

Since affidavits were not called for, allegations contained in the writ petition are deemed not to have been admitted.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)