

WPA 24643 of 2023

Sri Pradip Bhowmick

-vs-

The State of West Bengal & ors.

Mr. Rajen Dutta

Ms. Marie Kundu

...for the petitioner

Mr. Suman Ghosh

Mr. Sidhartha Ghosh

...for the State

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

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

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 the owner of the property in question. The private respondents are the adjoining land owners. The private respondents had been disturbing the petitioner's possession and enjoyment of the property. This had prompted the petitioner to approach this Court earlier. By an order dated 23.06.2022 passed by this Court in WPA 21458 of 2021, the police authorities were asked to maintain peace. In spite of this, the private respondents are repeating their misdeeds.

Learned counsel appearing on behalf of the State relies on the report and submits that on the complaint of the petitioner, a proceeding was initiated under Section 107 of the Code. A non-cognizable report was also filed under Sections 427 and 506 of the Indian Penal Code.

It appears that previously this Court had held that the dispute was over share of crops and the alleged permission granted by the petitioner to cultivate on the land which was a debottor property. Therefore, neither this Court nor the police authorities could intervene. However, the police was asked to keep peace.

I find no reason to take a different view in this writ petition.

If any of the private respondents wants to establish any further right in respect of the property, the same has to be done before a Civil Court.

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 is violated. The surveillance shall include frequent visits by police patrol.

With these observations, the writ petition is disposed of.

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

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)

