

WPA 24894 of 2023

Srikanta Dey

-vs-

The State of West Bengal & ors.

Mr. Asish Dutta

...for the petitioner

Mr. Somnath Ganguly

Ms. Priyamvada Singh

...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. On 12.06.2023, the private respondents entered into the petitioner's property, fell two trees and stole such valuable wood. This was brought to the notice of the police authorities and the Forest Officer, but no steps were taken. In fact, threats were given to the petitioner.

Learned counsel appearing on behalf of the State submits that an inquiry was done on the complaint of the petitioner. As there was no occasion to delve into a dispute of civil nature, only a proceeding was initiated under Section 107 of the Code.

In the event the petitioner believes that a cognizable case is made out, he shall be at liberty to act in terms of the ratio laid down in Aleque Padamsee's Case, (2007) 6 SCC 171.

However, the police shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)