

October 28, 2024
(Vacation Bench)
ARDR/S.D (03)

W.P.A. 26000 of 2024

**Md. Sukurulla Sk. & Ors.
Vs.
The State of West Bengal & Ors.**

Adv. Arkadyuti Pahari,
Adv. Abdul Kalam Chowdhury,
Adv. Ms. Gargi Maity
.....for the Petitioners
Adv. Ms. Manali Biswas
...for the Respondent No. 6
Adv. Mr. Swapan Banerjee, Ld. A.G.P.,
Adv. Mr. Jagabandhu Roy,
Adv. Debansbhu Dinda
...for the State.

Report filed on behalf of the State authority be
kept on record.

The instant writ petition is preferred for inaction of
police authority.

Learned counsel for the petitioners submits that
the present petitioners are the recorded owners of the
disputed plot in question. He wanted to construct a
boundary wall at the time the private respondents along
with the some musclemen appeared and created
disturbance over the land in question. Consequently, he
approached the learned Executive Magistrate for a
specific relief. The learned Executive Magistrate has
directed the concerned Inspector-in-Charge to take
appropriate steps for maintain peace over the disputed
area. The petitioners further argued that the petitioners
have also filed one complaint with the Inspector-in-
Charge, Berhampore Police Station on October 4, 2023

stating specific allegations against the private respondent. But police has not taken any appropriate steps on the basis of the complaint. Hence they approached this court.

Learned counsel appearing on behalf of the private respondent submits that there is a long standing civil dispute between the petitioners and the private respondent. Consequent thereto, two civil suit being Title Suit No. 562 of 2022 and Title Suit No. 756 of 2022 are pending before the learned Civil Judge, Senior Division, 1st Court, Berhampore, Murshidabad. The petitioners have not obtained any order of injunction, but only to harass the present respondent, they filed the instant writ petition.

Learned counsel appearing on behalf of the State authority submitted a report. He also submits that the disputes between the parties are civil in nature and both parties belong to inter religious community, hence, there is a strong apprehension of communal dispute. The police can not interfere into the land dispute of the matter as there is a civil suit pending.

Having heard the learned counsel for the parties and also perusing the report, it appears to me that the present petitioners have approached this Court only for the inaction of the police authority. It appears from the report of the police that police did not take any appropriate steps due to pendency of the civil dispute before the appropriate Court between the parties.

Considering the entire situation and considering the complaint dated October 4, 2024, it appears to me that the complaint demonstrates some allegations against the some persons for assault to the petitioners. So, police must have to take appropriate steps on the basis of the said complaint.

With the above observations, the instant writ petition is disposed of directing the police, who according to the submission of the learned counsel for the State authority has already initiated one preliminary enquiry, if on the basis of such preliminary enquiry, police authority finds it require, may register a specific case. In the meantime, the police authority shall take necessary steps to maintain peace and tranquility over the disputed plot of land.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Subhendu Samanta, J.)