

January 31, 2024
AD 79
Ct. No.14
SG

WPA 25582 of 2023

Shyam Sundar Nag
vs.
The State of West Bengal and others

Mr. Gautam Banerjee
Ms. Priya Dey
Ms. Chumki Bairagya
... for the petitioner.

Ms. Sonal Sinha
Mr. Avishek Prasad
... for the State.

Affidavit of service filed in Court is taken on record. It is not clear whether the private respondents could be served with notice.

Report filed by the State is also taken on record. A copy of the same is handed over to learned advocate for the petitioner.

Learned advocate for the petitioner submits as follows. The petitioner is the owner of the property in question. When he returned to the said property after a passage of time he found the private respondents present there. They claimed to be tenants in the said property. This was reported to the police authorities, but no action was taken.

Learned advocate for the State relies on the report and submits as follows. The petitioner claimed that he had obtained the property by inheritance. After visiting the property he found that some tenants were living there. He also claimed that the private respondents had

tortured him physically and mentally. Enquiry was done in a proceeding under Section 156(3) of the Code. Finally, this Court by an order dated 16.06.2023 passed in CRR 1039 of 2023 was pleased to dismiss the petitioner's application. The above fact has been suppressed from the present petition. There is a longstanding dispute between the petitioner and the private respondents.

It appears that there is a civil dispute existing 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 earlier allegation of the petitioner regarding commission of alleged offences by the private respondents had gone into and decided by this Court.

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

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 certified copies of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

[Jay Sengupta, J.]

