

February 8, 2024
AD 126
Ct. No.14
SG

WPA 26361 of 2023

Hasan Mollah
vs
State of West Bengal and others

Mr. Ranjan Saha
for the petitioner

Mr. Somnath Ganguly
Ms. Priyamvada Singh
... for the State

Ms. Pampa Dey Dhabal
Mr. Krishna Deo Das
... for the respondent Nos.8-11

Affidavit of service filed in Court is taken on record.

Report filed by the State is also taken on record.

Learned advocate for the petitioner submits as follows. The petitioner's father was the owner of the land in question. After his demise, the petitioner along with his brothers and sisters inherited the property. The private respondents had been disturbing the peaceful possession of the property by the petitioner. The petitioner was constrained to approach the police, but no step was taken.

Learned advocate for the private respondents submits as follows. The private respondents are the co-sharers of the property in question. They have trade licence and sanctioned plan for making construction on the property. The petitioner failed to obtain any injunction or favourable order in the civil suit filed by him.

Learned advocate for the State relies on the report and submits that the father of the petitioner was the absolute owner of the petitioner. After his death, the petitioner along with his sisters and brothers inherited the property and have been possessing the same. The record of rights is still in the name of the father of the petitioner. On 23.10.2023 the private respondents entered into the land of the petitioner and started construction work for a shop. On protest, the private respondents assaulted the petitioner. On this, Kashidpur PS Case No.552/23 dated 23.11.2023 was registered under Sections 447/341/323/506/34 IPC. The same is being investigated. The police are keeping a close watch on the developments in the locality.

It appears that the father of the petitioner was the recorded owner of the land in question.

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 the police authorities have taken steps by registering an FIR and are now investigating the case.

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

The police authorities shall keep a sharp vigil at the locale, ensure that no breach of peace takes place and no harm is done to the present petitioner. Surveillance shall include frequent visits by police patrol.

With these observations, the writ petition is disposed of.

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

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

[Jay Sengupta, J.]