

43 29.04.2024
NB Ct. 14

WPA 26826 of 2023

Abdul Bari Sardar & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Gautam Banerjee,
Mr. Sandip Kumar Mondal.
...for the petitioners.

Mr. Sk. Md. Galib,
Ms. Sujata Mukherjee.
...for the State.

Affidavit of service filed on behalf of the petitioners 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 petitioners submits as follows. The petitioners are the owners of the property in question. The private respondents have been disturbing the possession and enjoyment of the property by the petitioners. They are preventing the petitioners from cultivating their land. This was brought to the notice of the police authorities, but no steps were taken.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. On the complaint of the petitioners, a proceeding had earlier been initiated under Section 107 of the Code and in 2023, a prosecution report was

filed under Section 506 of the Penal Code vide Hingalganj PS NCR No.473(A) of 2023.

It appears that a civil dispute exists between the private parties.

It also appears that on the complaint of the petitioners, the police have taken some steps.

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 and not by exercise of brute force.

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

If any untoward incident occurs or is apprehended by the petitioners or any other private party, they shall be at liberty to contact the Officer-in-Charge of the local Police Station who shall then act in accordance with law.

With these observations, the writ petition is disposed of.

As affidavits were not called for, allegations contained in the writ petition are deemed not to have been admitted.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)