

Item No.7

02.07.2024
Ct-14

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 26988 of 2023
Hannan Laskar
v.
The State of West Bengal & Ors.

Mr. Samiran Mondal
Mr. Abhinaba Dan
... for the petitioner.

Mr. Suman Sengupta
Ms. Amrita Panja Moulick
... for the State.

Grievance of the petitioner is that the police is not taking any steps in furtherance to registering the FIR No. 153 of 2023 dated March 13, 2023 u/ss. 420/468/471/472 IPC.

The petitioner relies upon the order passed by the Prescribed Authority u/s 50 of the West Bengal Land Reforms Act, 1955 wherefrom it appears that the name of the petitioner has been recorded in Khatian No. 853 in respect of Plot No. 147.

The petitioner alleges that the private respondent, with the aid and assistance of the police, is forcefully not permitting the petitioner to enter into his own plot of land.

Learned advocate representing the State respondents denies the allegation of the petitioner.

It has been submitted that the FIR was duly enquired and the same has culminated in the charge-sheet being Kultali Police Station CS No. 786 of 2023 dated December 31, 2023 against the accused person Ayub Ali Seikh.

From the cause title of the writ petition it appears that the aforesaid Ayub Ali Seikh has been impleaded as private respondent in the instant writ petition and the copy of the writ petition was served upon the said party. None represents the private respondent.

Affidavit-of-service filed in Court today is taken on record.

As it appears that the Plot No. 147 and Khatian No. 853 have been recorded in favour of the petitioner, accordingly, presumption goes that the petitioner is in possession of the land in question.

The police are directed to ensure that the petitioner is not restrained by any party from entering into his own plot of land.

The police shall further ensure that there is no breach of peace at the locale when the petitioner tries to enter possession of the land in question.

If the petitioner faces any hindrance at the time of taking possession of his land, it will be open to the petitioner to approach the Officer-in-Charge of the Kultali Police Station who shall render all necessary assistance to the petitioner for implementing the direction passed hereinabove.

The writ petition stands disposed of.

Instruction forwarded by the Inspector-in-Charge, Kultali Police Station signed on January 25, 2024 be retained with the records.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)