

34 07.05.2024
NB Ct. 14

WPA 27175 of 2023

Basudev Ghosh & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Gopal Mondal.
...for the petitioners.

Mr. Suman Ghosh,
Ms. Munmun Tewary.
...for the State.

Mr. Somnath Adhikary,
Ms. Bani Israil.
...for the respondent nos.9 to 16.

Report filed on behalf of the State is 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 are rank outsiders who are disturbing the possession and enjoyment of such property by the petitioners. Threats and intimidations have been given. All these were brought to the notice of the police, but no steps were taken.

Learned counsel appearing on behalf of the private respondents denies the allegations.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The dispute, if at all, is purely civil in nature. However, on the complaint of the petitioners two proceedings were initiated under Section 107 of the Code.

If the petitioners believe that a cognizable offence is made out on his complaint, they shall be at liberty to act in terms of the directions passed in ***Aleque Padamsee*** Case, (2007) 6 SCC 171.

However, it seems that the police authorities have taken steps for initiating a proceeding under Section 107 of the Code.

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

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, they shall be at liberty to approach 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.)