

Item No.24

27.06.2024
Ct-14
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In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 28455 of 2023
Shibdas Dholey
v.
State of West Bengal & Ors.

Mr. Firdous Samim
Ms. Gopa Biswas
Ms. Payel Shome
Ms. Purba Mukherjee
Mr. Avijit Kar
Ms. Mohona Das
... for the petitioner.

Mr. Jayanta Samanta, Jr. Govt. Adv.
Mr. Manas Kumar Sadhu
... for the State.

Mr. Anuran Samanta
Mr. Arpan Sinha
... for the respondent nos. 6 & 7.

The petitioner alleges that the complaint lodged against the respondent nos. 6 & 7 before the police has not been enquired and no steps taken in response to the same. There is specific allegation of theft, assault, life threat but there is no action on the part of the police.

Learned advocate representing the private respondents denies the allegation made against them. It has been submitted that the private respondents are not putting any pressure upon the petitioners to sell off the plot of land to the private respondents as alleged. The private respondents conduct Durga Puja over the

Government plot of land without encroaching any land of the petitioner.

Learned advocate representing the State respondents submits that prosecution u/s. 107/116(3) CrPC was submitted.

The complaint was lodged way back in October 2023. The police ought to have registered FIR on the basis of the offences disclosed in the complaint.

In view of the above, the instant writ petition is disposed of by directing the Inspector-in-Charge, Burdwan Sadar Police Station to take steps in accordance with law in response to the complaint filed by the petitioner in the month of October 2023.

The Superintendent of Police, Purba Bardhaman is directed to enquire as to why proper steps were not taken in response to the complaint lodged by the petitioner immediately on receipt of the same. The Superintendent of Police shall take necessary steps against the erring officer(s) for not acting as per the mandate of law.

The police shall ensure that no hindrance or obstruction is caused to the petitioner in entering his plot of land and none should disturb the petitioner in enjoying and utilizing the land as per his own wish and desire. No breach of peace should also be take place at the locale.

The writ petition stands disposed of.

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

Report filed by the Inspector-in-Charge, Burdwan PS, Purba Bardhaman signed on June 20, 2024 be taken on record.

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

(Amrita Sinha, J.)