

27.02.2024
Sl. Nos. 20
Suman
Ct.No.238.

WPA 28816 of 2023

Md Saidur Rahaman and Anr.
Vs.
The State of West Bengal and Ors.

Mr. Pradip Kumar Roy
Mr. Tirthajit Roy Chowdhury
..for the petitioners

Mr. M. A. Karim
Mr. M. N. Rahber
Ms. S. Khatoon
..for the private respondents

Mr. Suman Ghosh
Mr. Sankha Prasad
..for the State in WPA 28816 of 2023

Let the supplementary affidavits filed by the petitioners be kept with the records.

The petitioners claim to be the 'patta' holders in respect of the relevant land. It is the grievance of the petitioners that the private respondents are forcibly interfering with their possession.

On behalf of the private respondents, it has been submitted that they are in possession of the relevant land for more than 45 years. The petitioners are trying to evict them from their land without the due process of law.

Learned advocate for the State submits that following the complaint lodged by the petitioners, Chakulia P.S. Case No. 61 of 2024 was registered under Sections 448/427/323/325/379/506/34 of the Indian Penal Code against the private respondents.

Subsequently, the private respondents also lodged a complaint before the police authority against the petitioners following which Chakulia P.S. Case No. 64 of 2024 under Sections 448/323/325/354/379/506/34 of the Indian Penal Code had been registered.

Learned advocate for the State submits that investigation is going on after the said FIR has been registered. The State also submits that a proceeding under Section 107 of the Code of Criminal Procedure has also been initiated against the private respondents on the basis of the complaint lodged by the petitioners.

It has further been submitted by the State that the police are keeping a strict vigil in the area so that no untoward incident takes place.

The grievance, as raised by the petitioners, is purely civil in nature. The police are investigating the registered cases as indicated above. To enforce the petitioners' civil right, they are at liberty to approach the appropriate forum.

Accordingly, **WPA 28816 of 2023** is **disposed of**.

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

(Kausik Chanda, J.)