

WPA 29237 of 2023

Abdul Sattar Ali Kha @ Abdul Sattar Kha

-vs-

The State of West Bengal & ors.

Mr. Syed Mosihar Rahman

...for the petitioner

Mr. Jayanta Samanta

Ms. Sukalpa Seal

...for the State

Affidavit of service filed on behalf of the petitioner is taken on record.

It appears that service could not be effected on the private respondents as the doors were locked.

Copy of the order dated 25.08.2022 passed by the learned Civil Judge, Jr. Division, 2nd Court, Uluberia in T. S. No. 133/2019, as filed on behalf of the petitioner, is also taken on record.

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the elder brother of the respondent no.4. The private respondents have been disturbing the possession and enjoyment of the property by the petitioner. The private respondents have also been intimidating and assaulting the petitioner, even after the petitioner had initiated a proceeding under Section 107 of the Code. Several complaints were made before the police authorities, but no steps were taken.

Learned counsel for the State relies on the report and submits as follows. A proceeding has been initiated under Section 107 of the Code of Criminal Procedure. However, complaints made by the petitioner were diarized. A civil suit is pending between the private parties.

At this stage, learned counsel appearing on behalf of the petitioner clarifies that the civil suit filed by the respondent no.4 has been dismissed.

In the event any cognizable case is made out on the complaint filed by the petitioner, the police authorities shall de duty bound to register an FIR and investigate the same.

Even otherwise, the police authorities shall keep a sharp vigil at the locale, ensure that no breach of peace takes place and see to it that no order of a Court is violated.

No further order need be passed in this regard at this stage.

With these observations, the writ petition is disposed of.

As affidavits were not called for, allegations are deemed not to have been admitted.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)