

16.04.2025.
28
Ct.No.7.
as

WPA 5180 of 2019

**Bajlur Rahaman & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Golam Mastafa,
Mr. T. S. Samanta
Mr. Kazi Asif Iqbal.

...for the Petitioners.

Mr. Santanu Kr. Mitra, Ld. Sr. Govt. Adv.
...for the State.

1. Despite service private respondents are unrepresented.
2. The present writ petition has been filed primarily seeking a direction upon respondent Nos. 2 and 4 to consider the grievances, complaints, and allegations made by the petitioners, and to provide necessary police assistance to enable them to exercise their proprietary rights over certain plots of land situated within Roypur Mouza, under Domkal Police Station, District Murshidabad.
3. Mr. Mastafa, the learned Advocate appearing for the petitioners, submits that the private respondents had filed a suit for partition, claiming title over certain plots of land. The suit was decided against the private respondents by the Trial Court. The private respondents preferred an appeal against the judgment and decree passed by the learned Trial court. The learned Appellate Court allowed the appeal in part and modified the judgment and decree recognizing the title of the private respondents over certain plots of land. A second appeal

was subsequently filed before this Court. The second appeal was allowed, setting aside the judgment and decree of the First Appellate Court and restoring the judgment and decree of the Trial Court. A Special Leave Petition was thereafter filed before the Hon'ble Supreme Court, which was dismissed.

4. Mr. Mastafa further submits that despite the dismissal of the Special Leave Petition and the affirmation of the Trial Court's judgment, the private respondents continue to obstruct the petitioners from enjoying the said properties.

5. Mr. Mitra, the learned Senior Government Pleader, referring to page 12 of the affidavit-in-opposition filed on behalf of the State, submits that the representation and/or complaint annexed as Annexure P-3 to the writ petition refers to an incident that took place on 22nd February 2019. He states that upon receipt of the said complaint, a specific case was initiated against the private respondents, and following the completion of the investigation, a charge sheet has been submitted. In view of these developments, Mr. Mitra contends that the writ petition has become infructuous.

6. Admittedly, the present writ petition was filed alleging inaction on the part of the concerned respondents in considering the petitioners' representation. The said representation, annexed as Annexure P-3 to the writ petition, refers to an incident that allegedly took place on 22nd February 2019. Pursuant to that complaint, an FIR was registered, and a case *vide*. Domkal Police Station Case No. 482 of 2019 dated 17.07.2019, under Sections 341/447/34 of

the Indian Penal Code, was started against the private respondents. Upon completion of the investigation, a charge sheet has already been submitted. Furthermore, subparagraph 8 of the affidavit-in-reply filed by the petitioners indicates that while the police had taken certain steps. However, according to the petitioners, such steps have not been effective in addressing the petitioners' grievances.

7. In view of the above and upon consideration of all relevant aspects, I am of the opinion that the petitioners' grievance has been sufficiently addressed. Accordingly, no further interference is warranted in this writ petition.

8. With this observation, the writ petition is disposed of.

9. There will be no order as to costs.

(Partha Sarathi Chatterjee, J.)