

06.01.2026
SL. No.6
Court No.2
SKG

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction**

W.P.A. No. 2581 of 2025

**Alton Albert Tirkey
Versus
The State of West Bengal & Ors.**

Mr. Debanjan Das,
Mr. Samrat Acharya,
...for the Petitioner.
Mr. Joyjit Chowdhury, Ld. AAG.
Mr. Subir Kumar Saha, Ld. AGP.
Ms. Rima Sarkar,
... for the State.

1. The petitioner alleges inaction on the part of the Police Authorities in completing the investigation which was started upon receiving complaint from the petitioner, with regard to dispossession from tribal land.
2. It is submitted that in 2023 the National Commission for Schedule Tribes issued a notice to the Commissioner of Police, Siliguri for a report.
3. No steps have been taken by the police authorities despite such direction from the National Commission for Schedule Tribes.
4. Learned Advocate for the petitioner submits that the letter issued by the Commission indicates that the Commission was desired to investigate and enquire into the matter, in exercise of power conferred under Article 338A of the Constitution of

India. The Commission also mentioned that, in the event no report was received from the police authorities, the Commission could exercise power of the Civil Court conferred on it by the Constitution.

5. However, the records do not reveal that the Commission has taken any further steps thereafter.
6. The records also do not reveal that the petitioner has approached the Commission thereafter with any further complaint.
7. The police authorities have filed a report through the Inspector in-Charge, Matigara Police Station. It appears that Matigara Police Station Case no. 666 of 2023 was registered on August 15, 2023 under Section 447 of the Indian Penal Code read with Section 3(f) and 3(g) of the SC/ST Prevention of Atrocities Act. In course of investigation, it came to light that the land was mutated in the name of the father of the petitioner. Notice was issued under Section 41 of the Criminal Procedure Code to Md. Mujibar. During examination, Md. Mujibar submitted that he was also the land owner of the said land. A joint inspection was conducted with the Revenue Inspector, Atharakhai I Gram Panchayat in the presence of the representatives of the Block Land and Land Reforms Officer,

Matigara. It came to light that the petitioner, Md. Mujibar and his wife were recorded owners of the land. 0.0700 acres of land had been recorded in the name of the petitioner's father, 0.0400 acres has been recorded in the name of Md. Mujibar and 0.0300 acres of land was recorded in the name of Zamila Khatun, wife of Md. Mujibar. Mr. Mujibar and his wife were jointly owners of 0.0700 acres. The police authorities were not in a position to either demarcate or locate the actual position of the respective plots. Accordingly, a further query was made from the Block Land and Land Reforms officer. Thus, the investigation could not be concluded.

8. The report of the police authorities indicate that there is a dispute between the parties with regard to demarcation of the land which is jointly owned by three individuals.
9. Under such circumstances, the police authorities shall conclude the investigation in the manner they can, without transgressing their powers under the law by determining the title or possession of the parties in question. All that the police authorities are required to do under the law is to investigate whether there has been any violation of the provision of the SC/ST Act and accordingly file their report in the form and

manner that the law provides. The petitioner is however at liberty, to take further steps as per law.

10. With the aforesaid observations, the writ petition is disposed of.

11. There shall be no order as to costs.

12. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)