
(2018) 01 CAL CK 0153
In the Calcutta High Court
Case No : 650 (W) of 2016

Dr.Somnath Naskar

APPELLANT

Vs

The State of West Bengal & Ors.

RESPONDENT

Date of Decision : 19-01-2018

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 144](#) - Power to issue order in urgent cases of nuisance or apprehended danger

Citation : (2018) 01 CAL CK 0153

Hon'ble Judges : Debangsu Basak

Bench : Single Bench

Advocate : Subrata Mukhopadhyay, Prokash Chandra Mondal, Debabrata Mondal, Sukumar Banik, Sakhya Sen, Amritlal Chatterjee

Final Decision : Dismissed

Judgement

1. The prayer in the writ petition relates to enforcement of a Magistrate's order dated December 15, 2016 passed in M.P. Case no. 4054 of 2015. Learned advocate appearing in support of the petition submits that, life and property of the petitioner is at stake. He draws the attention of the Court to the representation dated December 29, 2015 annexed to the writ petition. He submits that, the police have not taken any steps on the basis of such complaint even though the same discloses commission of cognizable offences.

2. Learned advocate appearing for the State on the basis of a written instruction submits that, there is a dispute with regard to an immovable property. The police have taken steps in terms of M.P. Case no. 4054 of 2016 under section 144 of the Criminal Procedure Code dated December 15, 2015 as well as M.P. Case no. 3956 of 2015 under section 144 (2) of the Criminal Procedure Code.

3. Learned advocate appearing for the private respondent submits that, the private respondents are not Bargadar of the property concerned. They were allowed to stay by the petitioner at a portion of the property.

4. Learned advocate for the petitioner in reply submits that, the petitioner had never permitted the respondents to stay at any part or portion of the property concerned. I have considered the rival contentions of the parties and the materials made available on record.

5. The issues raised are such that it involves decision with regard to an immovable property. I am not minded to interfere in the present writ petition. The police have already taken steps in terms of the orders of the learned Magistrate. W.P. 650 (W) OF 2016 is dismissed of without any order as to costs.

6. Urgent certified website copies of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.