

D.L. 41.
14.09.2020
S.R. & S.D.

W.P.A. 6691 of 2020
With
CAN 1 of 2020
(Old No. CAN 5581 of 2020)

Madhusudan Kayal
Vs.
The State of West Bengal & Ors.

(Via Video Conference)

Mr. Debabrata Acharya
Sk. Samsul Arefin

....for the petitioner.

Mr. Chandi Charan De, A.G.P.,
Mr. Anirban Sarkar

.....for the State.

In re: CAN 1 of 2020 (Old No. CAN 5581 of 2020)

This application for urgent hearing of the writ petition is disposed of by taking up the writ petition for consideration.

Petitioner complains of police inaction.

Learned Advocate appearing on behalf of the petitioner submits that, the petitioner is the recorded Bargadar. The private respondents are preventing the petitioner from cultivating the land on which barga is recorded.

Learned Advocate appearing on behalf of the State submits a report which be taken on record.

It appears from the report submitted on behalf of the state that, the police have submitted prosecution under Section 107 of the Cr.P.C. for maintaining peace and tranquility. The report also states that, the petitioner is the recorded Bargadar.

In such circumstances, a person who is recorded as a Bargadar in respect of an immovable property is entitled to cultivate the same.

In such circumstances, the police authorities will ensure that no breach of peace occurs at the locale when the petitioner is cultivating the land over which barga in his favour stands recorded in the records of right. In the event, the petitioner approaches the police for police picket, the police will consider such application in accordance with law. Needless to say that, the petitioner will bear the costs and expenses and charges of the police picket.

W.P.A. 6691 of 2020 is disposed of without any order as to costs.

(Debangsu Basak, J.)