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December 15,
2020

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
(Via Video Conference)**

W.P.A. No.10414 of 2020

**Sri Ashok Ghosh
Versus
The State of West Bengal and others**

Mr. Prasenjit Debnath.
...for the petitioner.

Mr. Ashis Guha,
Mr. N. Ghosh Distidar.
...for the State.

Mr. Ankit Agarwala,
Ms. Alotriya Mukherjee,
Mr. Vineet Ojha.
...for the respondent no.8.

Mr. Triptimoy Talukder,
Mr. Shamba Chakraborty.
...for the respondent nos.13 and 16.

The writ petitioner has challenged the inaction of the police in giving protection to the petitioner in respect of alleged threats being made by the private respondents who are trustees in respect of the debutter property-in-question. The petitioner, on the basis of extracts from records of rights as annexed to the present writ petition, claims to be a *bargadar* in respect of the disputed property.

Learned counsel for the State submits a report in the form of an instruction, which discloses

that a proceeding was initiated by the police under Sections 107/116 of the Criminal Procedure Code which resulted in the police discovering that there was no basis for the petitioner's allegation of threat by the private respondents.

Learned counsel appearing for the private respondents submits that the complaint of the petitioner before the authorities itself indicates that the petitioner admitted that there was an arrangement for settlement of six cottahs out of the land-in-question in favour of the petitioner. As such, learned counsel submits that the petitioner's allegations are tainted by contradiction. Learned counsel further argues that it is a settled position of law that the writ court ought not to interfere in matters where equally efficacious statutory rights are available to the petitioner, in this case under the West Bengal Land Reforms Act.

Whatever might be the merits of the private respondents' contention as regards there being an admitted talk of settlement between the parties regarding a portion of the land-in-question, the present right of the petitioner as *Bargadar* is prima facie established by the extracts of the records-of-rights annexed to the present writ petition.

In the circumstances, it does not appear to be credible that the petitioner, who is a cultivator of the land-in-question, shall unnecessarily approach the

police with false complaints against the trustees of the debutter estate, particularly if there was a talk of settlement of certain portions of the land in favour of the petitioner.

Be that as it may, it is the incumbent duty of the police to give protection to the weaker sections of society at all points of time. In view of the petitioner having prima facie established his *Bargardarship*, the police cannot avoid the responsibility of offering protection to the petitioner in case of any assault on such rights.

Accordingly, W.P.A. 10414 of 2020 is thus disposed of by directing the respondent no.2 to immediately enquire into the matter and, in the event there is any further complaint by the petitioner regarding an offensive being launched against the petitioner by the private respondents or their agents, respondent no.2 shall take immediate steps to ensure proper protection to the petitioner.

Merits of the contentions of the petitioner and/or of the rights of the petitioner are not gone into. The observations made are tentative for the purpose of the writ petition and do not comprise of an adjudication of such rights on merits.

There will be no order as to costs.

Urgent website certified copies of this order, if applied for, be given to the parties upon compliance of all formalities.

(Sabyasachi Bhattacharyya, J.)