

AD. 10.
February 25, 2021.
MNS.

W. P. A. 2540 of 2020
(**Via video conference**)

Sri Ashutosh Majhi and others
Vs.
The State of West Bengal and others

Md. Abdus Salam,
Mr. Brojaballabh Saha,
Mr. Subrata Mukherjee

... for the petitioners.

Mr. Ashim Kumar Ganguly,
Ms. Sukla Das Chandra

...for the respondent-authorities.

The petitioners rely on a *patta* granted in their favour and extracts of records of rights which record their names.

Learned counsel for the petitioners also places reliance on a report given by the Block Land and Land Reforms Officer, Kultali, District South 24 Parganas, which records that the petitioner had been cultivating the property-in-question.

Learned counsel for the respondent-authorities files a report in the form of an affidavit, which clearly indicates the dilemma faced by the police authorities in view of both the petitioners as well as the private respondents having produced

contradictory records of rights in their respective names. Although the petitioners produced a *patta* before the police, as evident from the report, the report of the police categorically indicates that, on a spot visit, the concerned police officer found that the private respondents are in possession of the land and they have been cultivating the same.

Hence, the matter squarely relates to a civil dispute, as also held by a co-ordinate Bench, on February 22, 2019 in W. P. No. 2382(W) of 2019 in a previous writ petition filed by the present petitioners and others.

Regarding the inaction of the police, the report filed today by the respondent-authorities adequately takes care of such allegation in view of the police having initiated a proceeding under Sections 107/116(c) of the Code of Criminal Procedure, vide Kultali P.S. P.R. No. 38 dated January 28, 2020 against both the petitioners and the private respondents in order to restrain them from committing any cognizable offence.

In view of the above discussions, the dispute between the private respondents and the petitioners squarely relates to a civil dispute concerning the respective right, title and interest

of the private parties regarding the disputed land. As far as the police authorities are concerned, this Court is satisfied from the report filed today that the police have taken sufficient steps with regard to the unrest which might have arisen in the area due to such dispute between the petitioners and the private respondents.

As such, W. P. A. 2540 of 2020 is disposed of, keeping on record the report filed by the police today and granting liberty to the petitioners as well as the private respondents to approach a competent civil court for resolution of their dispute regarding title to the property-in-question.

There will be no order as to costs.

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

(Sabyasachi Bhattacharyya, J.)

