

10.09.2021.
Court No.13
Sl. No. 68
pk

W.P.A. No. 9808 of 2021
Kishori Maji
Versus
The State of West Bengal & Ors.
(Through Video Conference)

Mr. B. C. Manna
...for the petitioner.

Mr. Raja Saha,
Mr. Amit Kumar Ghosh
..for the State.

Mr. S. Mondal,
Mr. S. C. Dhara
... for the respondent nos. 7 and 8.

The writ petitioner is aggrieved that the private respondents are preventing him from harvesting crops.

The Officer-in-Charge, Khanakul Police Station is also stated to have forced the writ petitioner that unless he settles with the private respondents, he shall not be allowed to harvest crops.

Counsel for the private respondents appears before this Court and places paragraph 6 of the writ petition. It is admitted in the said paragraph by the writ petitioner that the respondent nos. 7 and 8 had their names recorded as *Bargadar* in respect of the said land.

Counsel for the petitioner submits that the said recording is fraudulent and incorrect. It further appears based on the submissions of the parties that

there is a civil suit filed by the private respondents against the writ petitioner being T. S. 26 of 2021 in which the Civil Judge (Junior Division), 1st Court at Arambag had ordered injunction on 20.02.2021. The subject matter of the suit is the land claimed by the writ petitioner.

It further appears that orders under Section 144 have been obtained by the private respondents against the writ petitioner.

It is in that context that the Officer-in-Charge, Khanakul Police Station had visited the said premises and must have told the writ petitioner to settle the matter before a civil court.

Be that as it may, since the private respondents are the recorded rights holders in respect of the said land and a civil suit is pending in respect of the said property, the petitioner's remedy may lie under the aforesaid civil suit or before the authorities constituted under the West Bengal Land Reforms Act.

Learned counsel for the petitioner submits that his client has already moved proceedings before the LRTT. The LRTT may dispose of the same in accordance with law upon due notice to the private respondents.

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

There shall be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)