

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
(Appellate Side)

MAT 576 of 2021

With

IA No: CAN 1 of 2021

(Through Video Conference)

Reserved on: 22.12.2021

Pronounced on: 24.12.2021

Sri Salil Giri and Ors.

...Appellants

-Vs-

The State of West Bengal and Ors.

...Respondents

Present:-

Mr. Kamalesh Bhattacharya,
Ms. Suprana Das,
Mr. Soumya Kanti Sinha, Advocates
... for the appellants

Mr. Soumitra Bandyopadhyay,
Mr. Aniruddha Sen, Advocates
... for the State

Mr. Mrinal Kanti Ghosh, Advocate
... for the respondent Nos. 7 and 8

Mr. Bharat Ch. Simai, Advocate
... for intervenor

Coram: THE HON'BLE JUSTICE PRAKASH SHRIVASTAVA,
CHIEF JUSTICE
THE HON'BLE JUSTICE RAJARSHI BHARADWAJ,
JUDGE

Prakash Shrivastava, CJ:

1. This appeal is at the instance of the writ petitioner challenging the order of the learned Single Judge dated 24.05.2021 whereby the Officer-in-Charge of the concerned police station was directed to conduct an investigation and submit the report to the concerned A.C.J.M. within a time bound period and had further directed the Officer-in-Charge of the concerned police station to post the police picket in the appellant's premises at the cost of the appellant.

2. The appellant had approached the writ Court with the plea that he was the owner in possession of the land in question and was sought to be forcibly prevented from going on that agricultural land by the armed gundas of the locality with the intention to grab his land.

3. This Court by order dated 30th of July, 2021 had directed the concerned B.L. & L.R.O. to file a status report in respect of the land in question vis-a-vis the disputes as raised by the adverse parties. The Counsel for the State has filed the status report dated 10.08.2021 prepared by the B.L. & L.R.O., Nayagram, Jhargram wherein it has been found that:

“In connection with the subject and reference above Plot Nos. 54, 113 & 15/539 in Mouza – Kharikamathani, J.L. No. 148 under Nayagram Block are the suit lands and as per the available land records, all the Writ petitioners/Appellants of the MAT No. 576 of 2021 with CAN 1 of 2021 are recorded owners in the suit land (Copy of Plot information of Plot Nos. 54, 113 & 15/539 are enclosed as Annexure-A). It is further submitted that on verification of the records it is found that Private Respondent No. 7 has 01(one) decimal of land recorded in his name against his Khatian No. 1319 in Plot No. 114 which is an adjacent Plot No. to the suit Plot No. 113 (copy of Plot information of Plot No. 114 enclosed as Annexure-B) and Private Respondent No. 8 has no land recorded in his name in the adjacent plots to the suit land.”

4. The above report clearly mentions that the appellants are the owners of the land in question. Learned Counsel for the State has clearly stated that the police is patrolling that area and will not permit any disturbance in the area.

5. Counsel for the appellants has raised an issue that the cost of police picket and police force for posting in the premises is very high

whereas it should be free of cost as it is the responsibility of the police to protect the appellants. This Court by order dated 06th July, 2021 had also expressed that situation may require police protection for keeping regular vigil over the place in question by deputing mobile police teams and appreciated the submission of the appellant about high cost of picket.

6. The respondent police authorities keeping in view the observations already made by this Court are directed to have complete vigil of the over the area concerned so that the rights of the appellants are duly protected. The respondent No. 6 will also intimate the appellants the minimum cost of vigil that may be incurred for keeping minimum number of police personnel in the site in terms of the direction of the learned Single Judge and it will be open to the appellants to deposit the said cost and avail the facility. No case for any further interference in the order of the learned Single Judge is made out. Hence, we dispose of the appeal with the observations as made above.

7. The connected application, if any, is also disposed of.

(PRAKASH SHRIVASTAVA)
CHIEF JUSTICE

(RAJARSHI BHARADWAJ)
JUDGE

Kolkata
24.12.2021

PA(SS)