

S/L 22
29.11.2021
Court. No. 19
GB

WPA 17710 of 2019

Kohinur Bewa & Anr.
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

Mr. Manoranjan Jana.

...for the Petitioners.

Affidavit-of-service filed in Court today be kept with the record.

None appears on behalf of any of the respondents.

It appears that respondent nos.7 to 9 have refused service. Postal envelopes bearing the endorsement 'Refused' have been submitted in Court.

The allegation of the petitioners is that the petitioners have been driven out illegally by the respondent nos.7 to 9 from their dwelling house as also their entire homestead land. It is the contention of the learned advocate for the petitioners that the said lands have not been transferred by the petitioners to any persons. That the petitioners continued to be recorded owners in the L.R. records of rights. That the respondent nos.7 to 9 along with some antisocial elements had driven out the petitioners and had threatened the petitioners with dire consequences. A written complaint had been lodged with the respondents including the police authorities. Proceedings under Section 144 had also been initiated by the petitioners.

Records reveal that the petitioners had moved this Court on earlier occasions and the petitioners were granted liberty to move the appropriate forum for enforcement of their civil rights and also proceed against the respondent nos.7 to 9 against alleged acts of violence.

The allegations here is that the municipality has failed to restore back the possession of the property to the petitioners. A mandamus is sought for by the petitioner directing the municipality to restore the possession of the lands of the petitioners and to look into the matter thereby restraining the respondent nos.7 to 9 from exercising any right over the property in question.

The disputes involved in this case are with regard to title, possession, and exercise of threat and violence upon the petitioners. None of these issues can be decided in this proceeding. The petitioners are at liberty to approach the appropriate forum in accordance with law. The municipality cannot decide such disputes.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)