

09.04.2021
p.b.
Sl. No.12.

W.P.A. 9393 of 2020
(via Video Conference)

Sri Sri Radha Damodar Salgram Jew
And Sri Sri Shib Thakur Jew represented
By its Shebaita namely, Sajal Baran Ghosh
& Ors.

Vs.

The State of West Bengal & Ors.

Mr. Subhas Chandra Atha.

.....for the petitioners.

Mr. Samiran Mandal,
Mr. Diptish Samanta,
Mr. Abhinaba Dan.

.....for the respondent no.4.

Mr. B. P. Vaisya,
Mr. Ranjan Saha.

.....for the State.

The affidavit of service filed in Court today be kept
with the record.

The writ petitioners claim to be the Shebaita of the
deity. The petitioners say that taking advantage of a wrong
recording in the record of rights, the private respondent
no.4 herein is claiming to be the bargader in respect of the
property of the deity. The writ petitioners claim to have
cultivated the lands in question and that the private
respondents herein are causing disturbances in the
harvesting activities of the petitioners.

Mr. Mandal, learned advocate appearing on behalf of
the respondent no.4 submits that the respondent no.4 is a
recorded bargader in respect of the plots in question. He

further submits that an order has been passed by the Revenue Officer under Section 19B of the West Bengal Land Reforms Act, 1955 protecting the barga right of the private respondents herein. He further submits that the writ petitioners have challenged the said order passed by the Revenue Officer before the appellate authority under the West Bengal Land Reforms Act.

Mr. Vaisya, learned advocate for the State submits that the dispute between the petitioners and the private respondent is civil in nature. He further submits that in order to avoid any untoward incident and to maintain peace and tranquillity in the locality, the police authority has already submitted prosecution report under Section 107 Cr.P.C. before the concerned Sub-Divisional Executive Magistrate.

After hearing the learned advocates for the parties and upon perusing the materials on record, this Court is of the view that the primary dispute between the writ petitioners and the private respondent relates to the right of cultivation qua the property in question being Dag No.1550, J.L. No.28, Khatian No.605 measuring 86 decimals in the district of Bankura which cannot be decided by the police authority.

The allegation of inaction on the part of the police is without any basis as the police has already submitted a prosecution report under Section 107 Cr.P.C.

In view thereof, W.P.A. 9393 of 2020 is dismissed without however any order as to costs.

Urgent photostat certified copy of this order, if applied for, shall be given to the parties as expeditiously as possible.

(Hiranmay Bhattacharyya, J.)