

AD. 22.
February 19, 2021.
MNS.

W. P. A. 9576 of 2020
(**Via video conference**)

Sarfal Haque Molla
Vs.
The State of West Bengal and others

Mr. Rafikul Islam Sardar

... for the petitioner.

Mr. Bhaskar Prasad Vaisya,
Mr. Arindam Chattopadhyay

...for the respondent-authorities.

Mr. Sanjib Das

...for the private respondents.

Affidavit-of-service filed in Court today be
taken on record.

The petitioner alleges that the petitioner is
a *bargadar* of the land-in-question. The private
respondents illegally dispossessed the petitioner
by force from such land, on which the petitioner
approached the police authorities. However, it is
contended that the police authorities are not
taking any steps on such complaint.

Learned counsel for the private
respondents denies such allegations.

Learned counsel appearing for the respondent-authorities points out that the dispute is civil in nature.

Such submission is vindicated by the nature of the allegations made in the complaint as well as the writ petition.

It is evident that the petitioner is seeking to enter into possession of the land-in-question on the complaint that he was dispossessed therefrom by the private respondents, claiming a right on the basis of his *bargadarship*.

The adjudication of such question falls within the domain of the civil court and neither the police authorities nor the writ court can decide the same, without taking detailed evidence as can be done by a civil court.

Accordingly, W. P. A. 9576 of 2020 is disposed of by granting liberty to the petitioner to approach the competent civil court for redressal of his grievance as raised in the writ petition.

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.)