

29.08.2022
Sl. No.554(ML)
srm

W.P.A. No. 403 of 2022

Kartick Chandra Barik

Versus

The State of West Bengal & Ors.

Mr. Gouranga Kumar Das

...for the Petitioner.

Mr. Biswabrata Basu Mallick,

Mr. Sayan Ganguly

...for the State-respondents.

Mr. Gautam Das,

Ms. Madhumita Patra

...for the Respondent Nos.7 & 8.

Affidavit-of-service is taken on record.

There are rival claims over LR Dag No.122 of mouza Mahendranagar pertaining to LR Khatian No.178, Police Station-Pathar Pratima, District-South 24-Parganas. The petitioner claims title and relies upon the record of rights. The respondent Nos.7 and 8 also claim rival title. They also rely on the record-of-rights. The police enquiry also reveals that both the parties have claimed title to the suit land. There is no demarcation of the land, which is the reason for the dispute. Apprehending breach of peace, prosecution under Section 107 of the Code of Criminal Procedure was submitted. The petitioner also claims that an unauthorised structure has gone up on his land.

Having considered the rival claims and police report, which has been filed before the learned Executive Magistrate, Kakdwip, this Court is of the view that the dispute between the parties cannot be resolved by the police authorities. The police authorities shall keep a vigil and maintain peace.

The other issues with regard to the right, title, possession, creation of record of rights and also interim protection of the petitioner, are to be raised in the civil suit and the learned civil court shall pass necessary orders on contest and in accordance with law. The issue with regard to alleged unauthorized construction over a sali land, must also be raised before the appropriate authority.

The writ petition is, thus, disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)