

11.7.2022
Court No. 19
Item no.355
sn

WPA No. 1338 of 2022

Nagendranath Gayan & Ors.

Vs.

The State of West Bengal & ors.

Mr. S. Ghosh

Ms. Moumita Ghoshfor the petitioners

Mr. Amit Baran Dash

Ms. Ankana Sarkar ..for the respdt.4

The petitioners allege inaction on the part of the Officer-in-Charge, Bhangore Police Station, in taking steps pursuant to the complaint lodged by the petitioners. Allegation is that the respondent no.4, being the landlord, was trying to evict the petitioners from the suit property, without due process of law.

It is submitted that the petitioners are the recorded bargadars in respect of the lands in question. Being unsuccessful in the suit for eviction, the respondent no. 4 and its men and agents have been using force to ensure their eviction, by unlawful means.

It is submitted by the respondent no.4, that the civil suit was restored and the order of rejection of the plaint was set aside by the Appellate Court in Title Appeal no. 56 of 2018. It is also submitted by him, that the petitioners are not the Bargadars. Their names are not recorded in the record of rights. Only

the petitioner no.1 had been granted a certificate, by the Government of West Bengal.

Having heard the learned advocates for the respective parties, this Court is of the view that the right of the petitioners as Bargadars cannot be decided by this Court. The respondent no.4 has already filed a suit.

This writ petition is disposed of with a direction upon the police authorities to ensure that the dispute over the land should not reach a stage that law and order problems arise. The police authorities shall keep a strict vigil to ensure that no untoward incident takes place, over the dispute.

The maintainability of the suit has not been gone into by this Court.

This writ petition is disposed of.

There will be, however, 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.)