

18.07.2022
Court No. 19
Item no.05
CP

W.P.A. No. 2277 of 2022

Fatema Bibi & ors.
Vs.
The State of West Bengal & ors.

(via video conference)

Mr. Mukteswar Maity
Ms. Manika Sarkar

....for the petitioners.

Mr. Suman Sengupta
Mr. Rajat Dutta

....for the State.

Despite service, none appears on behalf of the respondent nos. 4 and 5.

The police enquiry indicates that the petitioners were granted 'patta' of the disputed lands being LR Dag No. 645 and 672 of Mouza – Atpukur. The petitioners leased out the land in favour of the respondent nos. 4 and 5 for the purpose of pisciculture on an understanding that some payment would be made to the petitioners. It is alleged that the agreement entered into between the parties was violated, disputes arose and there was serious altercation. The petitioners allege that a complaint was lodged before the police authorities, but no steps were taken by the police.

The allegation of inaction by the police authorities is denied by Mr. Dutta, learned advocate for the State. According to him, an enquiry had been conducted. The contention of the petitioners about the leasing out the lands to the respondent nos. 4 and 5 for the purpose of pisciculture, was found to be correct. However, the police authorities were of the opinion that the dispute with regard to non-payment of lease rent and non-compliance of the terms of agreement by the respondent nos. 4 and 5, were matters to be decided by a civil court.

Apprehending breach of peace, the police authorities submitted a prosecution under Section 107 of the Cr.P.C. against the respondent no. 5 vide Haroa PS NCR No. 161/22.

This court agrees with the contention of Mr. Dutta. The parties are at liberty to get their rights determined by the appropriate forum.

The police authority will keep a vigil in order to ensure that no untoward incident takes place.

The writ petition is disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)