

S/L 374(ML)
13.07.2022
Court. No. 19
GB

WPA 4259 of 2022

Lalbanu Bibi & Ors.
VS
The State of West Bengal & Ors.

Ms. Debi Priya Mitra,
Ms. Sangeeta Roy,
Mr. Dipankar Ghosh,
Ms. Monalisa Maity.

...for the Petitioners.

Mr. Santanu Kumar Mitra,
Mr. Subhabata Das.

...for the State.

Affidavit-of-service filed in Court today, be kept with the record.

Despite service, none appears on behalf of the respondent nos.5 to 33.

According to the petitioners, they are 'parcha' holders of the disputed lands situated at Mouza-Jamalpur under Itahar Police Station. The petitioners allege that the respondent nos.5 to 33 have been trying to dispossess them from the said property. Allegation of trespass has been made.

The police report indicates that sometime in 2012-13, there was an incident of alleged trespass, but no complaint had been filed before the Itahar Police Station. The police authorities also found that the petitioners have been cultivating on the said land for some time. Apprehending breach of peace, prosecution under Section 107 of the Code of Criminal Procedure has been submitted against the petitioners as also the respondents.

As the controversy is with regard to right, title, ownership and possession of the lands, the remedy of the petitioners would be before the competent civil court. However, the police authorities will keep a vigil and ensure that law and order is maintained. Any kind of untoward incident must be prevented and adequate steps shall be taken in this regard.

Accordingly, the writ petition is disposed of.

However, there will be 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.)