

14.07.2022
Court No. 19
Item no.392
CP

W.P.A. No. 5192 of 2022

Sk. Kanu & anr.
Vs.
The State of West Bengal & ors.

Mr. Shuvro Prakash Lahiri
Mr. Habibur Rahaman
Ms. Diksha Ghosh
Mr. Rajesh Naskar

...for the petitioners.

Ms. Chama Mookherji
Mr. Gourav Das

...for the State.

Affidavit of service is taken on record. Despite service none appears on behalf of the respondent nos. 4 and 5.

The disputes between the petitioners and the respondent nos. 4 and 5 are over enjoyment of some agricultural land and the cultivation thereupon. The petitioners claim to be in possession of the said land. It is alleged that although, the proceedings are pending before the Land Reforms and Tenancy Tribunal with regard to the record of rights which had been issued in favour of the petitioners, no order has been passed for correction of the entries in the record of rights, which are in the name of the petitioners.

According to the petitioners, the District Land and Land Reforms Officer had held that the names of the petitioners were rightly recorded in the land records. The petitioners allege that respondent nos. 4 and 5 have forcefully entered into the cultivable lands of the petitioners and have stolen valuable crops.

A report has been filed by the Inspector-in-Charge, Karandighi Police Station, Raiganj which is taken on record.

It appears that the police authorities visited the locale. Local persons were interrogated and it was revealed that the land was in possession of one Kabiruddin. The police authorities requested both the parties to produce valid documents. Kabiruddin and his men informed the police authorities that the land was purchased by them from one Sk. Firoj Ali who is the brother of the petitioner no. 1. The wife of the petitioner no. 1 also produced a photocopy of the Khatian and the copies of the order passed by the District Land and Land Reforms Officer, Uttar Dinajpur. The police authorities, on enquiry, arrived at the conclusion that the dispute was civil in nature and over immovable property. The parties have rival claims over the property. However, apprehending breach of peace, prosecution under Section 107 of the Cr.P.C. was submitted against both the parties.

Parties were directed to maintain peace and tranquility.

Thus, it is crystal clear that the police authorities have all along apprehended breach of peace in the locality. In the opinion of the court, the issues with regard to right, title, interest and possession shall be decided by a civil suit. The matter with regard to the correction of the record of rights, shall be decided in other proceedings. The police authorities must keep a strict vigil in the locality and 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.)