

01.12.2022
Court No.13
Item No.14
AP

WPA 5624 of 2022

**Narayan Kanti Das and Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Partha Chakraborty
Ms. Poulomi Dutta

... For the Petitioners.

Mr. Amal Kumar Sen
Mr. Jaladhi Das

... For the State.

The petitioners complain that the Tapan Police Station, Dakshin Dinajpur has failed to protect the petitioners' property despite injunction passed by a Civil Court in TS No.12/2022 before the learned Civil Judge (Junior Division), Balurghat, Dakshin Dinajpur.

The date of the order or the particulars of the parties to the suit are not before this Court.

The petitioners submit that the administrators of an adjacent temple are claiming right over the petitioners' land.

Admittedly, the petitioners claim to have purchased the land recorded as 'Bastu'. The B.L. & L.R.O. records, however, indicate to the contrary. The petitioners have applied for correction of such records.

Since there is already a civil suit pending as claimed by the petitioners, they may establish their civil rights in respect of the property in the pending suit.

The Tapan Police Station, Dakshin Dinajpur, shall file a report in the Court below in the said civil suit as regards the current status of the land and allegations of the writ petitioners.

The Civil Court shall pass appropriate orders as may be permitted in law and as may be applied for by the writ petitioners.

The Tapan Police Station, Dakshin Dinajpur shall, however, ensure that there is absolutely no breach of peace in the area and shall continue to maintain strict vigil thereat.

The Police shall also strictly comply with any order that may be passed by the Civil Court on them directly.

With the aforesaid directions, the writ petition is disposed of.

There shall be no order as to costs.

The report of the Inspector-in-Charge, Tapan Police Station, Dakshin Dinajpur dated 10th April 2022 is taken on record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)