

S/L 42
15.6. 2022
Court. No. 19
sn

WPA 7128 of 2022

Aloka Choudhury
Vs.
The State of West Bengal & Ors.

Ms. Malabika Roy Dey
Mr. Arnab Mondal ... for the Petitioner

Mr. Amal Kumar Sen
Mr. Lal Mohan Basu ... for the State

Mr. P.K. Bhattacharyya ..for the respondent no.4

Let the affidavit-of-service be taken on record.

The petitioner prays for police help, during the process of cultivation on her own land. The respondent no.4 object to such prayer and submits that a proceeding is pending before the West Bengal Land & Land Reforms Tribunal and also before the learned civil court for recovery of possession.

It is the specific contention of the respondent no.4 that the petitioner filed a Title Suit no. 72 of 2012 before the learned Civil Judge (Senior Division), Burdwan for recovery of khas possession of the suit plot. The suit is still pending. The petitioner is not in possession. It is also submitted that the order passed by the prescribed authority i.e., the Block Land and Land Reforms Officer under Section 50 and 21(D) of the West Bengal Land Reforms Act, 1955, has been challenged by the respondent no.4 before the West

Bengal Land Reforms and Tenancy Tribunal and the application is pending.

The claim of the respondent no.4 to be the Bargadar in respect of the said land has been rejected by the Block Land & Land Reforms Officer and the order has been challenged before the Tribunal.

The police report also indicates that the above proceedings, are pending between the parties before the different fora.

The police had made an enquiry pursuant to the complaint lodged by the petitioner. It transpires that a hot altercation took place between the petitioner, the respondent no.4 and his associates. As of now, the right of the respondent no.4 as the Bargadar has not been proved. The prescribed authority rejected such claim. The matter is now sub- judice before the West Bengal Land Reforms & Tenancy Tribunal.

The petitioner is at liberty to approach the learned Tribunal for necessary interim protection and for an order permitting the petitioner to cultivate on her land. Such prayer shall be decided in accordance with law. Neither this Court nor the police authorities can permit such cultivation with police protection.

The writ petition is disposed of with a direction upon the police authorities to ensure that law and order is maintained. If any cognizable offence is committed by either party in the process of cultivation

over the disputed land, the police authorities shall act and proceed in accordance with law.

The police report is taken on record.

Accordingly, this 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.)