

20.06.2022
Court No. 19
Item no.05
CP

W.P.A. No. 9431 of 2022

Sri Sanjib Saha & anr.
Vs.
The State of West Bengal & Ors.

Mr. Sankar Halder
Mr. S. Burman

....for the petitioners.

Mr. Subhabrata Datta
Mr. S. Panja

....for the State.

Dr. Chapales Bandyopadhyay
Ms. Gargy Bau
Ms. A. Dutta

...for the respondent nos. 4 to 8.

The petitioners have alleged that the respondent nos. 4 to 8 have forcefully obstructed the petitioners from cultivating on the plot of land situated at L.R. Dag No. 909, pertaining to L.R. Khatian No. 136 at Mouza – Jatrapur.

It is alleged that the police authorities of the Kotwali Police Station, P.O.- Krishnanagar, have failed and neglected to render assistance to the petitioners during such disturbance.

Dr. Bandyopadhyay, learned advocate appearing for the respondent nos. 4 to 8, submits that the dispute is private in nature. The petitioners were allotted a patta of the said land by mistake. Thereafter, upon detection of such mistake, the patta

was allegedly cancelled and the petitioners filed a Title Suit being Title Suit No. 87 of 2018 before the learned Civil Judge (Junior Division), 1st Court, Krishnagar, Nadia. The application for injunction was dismissed for default. The suit was also dismissed for default.

The respondent nos. 4 to 8 filed a title suit being Title Suit No. 195 of 2019 before the learned Civil Judge (Junior Division), 1st Court, Krishnagar, Nadia and prayed for injunction. On perusal of the record, initially an ad interim order of injunction was passed on July 2, 2019. Ultimately, upon hearing the learned advocates for the respective parties, the court came to the prima facie conclusion that the suit property was a government land and the defendants (here the petitioners) were in possession of the property on the strength of a patta. The names of the defendants were also mutated in the L.R. record of rights. The ad interim order of injunction was not only vacated but the application for temporary injunction was also rejected by the learned court below in the suit filed by the respondent nos. 4 to 8, on the finding that the petitioners were in possession.

Thus, there seems to be a long standing dispute with regard to the right, title and interest between the parties. The petitioners have been found

to be in possession by the learned Civil Judge (Junior Division), 1st Court, Krishnagar, Nadia. The suit has been fixed for cross-examination of PW – 1. The petitioners will be at liberty to pray for necessary protective orders before the suit court if there is further disturbance with regard to the possession of the property in question.

In the meantime, the police authorities shall ensure that the petitioners are not obstructed in their use and possession of the property in question.

The copy of the order sheets are taken on record.

This order has been passed for the purpose of disposal of the writ petition. The learned civil courts shall not be influenced by the same during the adjudication of the suits.

The writ petition is, thus, disposed of. There shall be no order as to costs.

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

(Shampa Sarkar, J.)