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5.7.2022
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WPA 9635 of 2022

Sujit Sarkar
-vs-
The State of West Bengal & Ors.

Mr. Saikat Chatterjeefor the Petitioner

Mr. Animesh Banerjee
Mr. Tarak Karan ...for the State

Affidavit of service filed by the learned advocate for the petitioner, be kept with the record.

Despite service, none appears on behalf of the respondent nos. 8 to 12.

The petitioner alleges that the respondent nos. 8 to 12 had disturbed the petitioner in the harvesting seasons. The specific contention of the petitioner is that the petitioner runs his livelihood by cultivation on Dag no. 54 and 57 pertaining to Khatian no. 92 on Mouza Pathar Subarni J.L. No. 132.

It is submitted that the State respondents met the petitioner on several occasions. On the basis of the earlier complaint Habibpur Police Station case no. 195 of 2021 dated 9th July, 2021 had been registered. The said case resulted in the filing of a charge-sheet being charge-sheet no. 276 of 2021 dated 5th September, 2021.

It appears that the investigating authority discharged the respondent no. 10, Tapan Roy from the case due to lack of evidence. Subsequently, the petitioner again lodged several complaints with the Inspector-in-charge, Habirpur Police Station, but it is alleged that the police authorities neglected to take steps.

Learned senior standing counsel submits that there is a continuous dispute over cultivation on the said lands. However, the police authorities have kept a vigil and prosecution under Section 107 of the Code of Criminal Procedure had been submitted against the respondents.

According to Mr. Banerjee, the right of the petitioner over the said land and/or any other rival claim, to the contrary, cannot be decided by the police authorities.

Having heard the learned advocates for the respective parties, this court is of the view that as there are allegations of threat, assault etc., the police authorities must maintain a sharp vigil and ensure that the petitioner is not caused any harm by the respondent nos. 8 to 12. Police will ensure that the parties do not engage in further altercations over the issue of cultivation. Law and order should be maintained. Further incidents must be avoided and police vigil must be continued.

The court has not decided the rights of the parties with regard to the cultivation on the lands. Such dispute, if at all, shall be decided by the appropriate forum.

Accordingly, WPA 9635 of 2022 is disposed of.

All parties are to act on the server copy of this order from the official website of this court.

(Shampa Sarkar J.)