

S/L 20
16.06.2022
Court. No. 19
GB

WPA 10054 of 2022

Sk. Abdul Rahaman
VS
The State of West Bengal & Ors.

Ms. Rita Patra.

...for the Petitioner.

*Mr. Raja Saha,
Mr. Prantik Garai.*

...for the State.

Mr. Subrata Bhattacharya.

...for the Respondent Nos.6 to 13.

Affidavit-of-service filed in Court today, be kept with the record.

There seems to be a long standing dispute with regard to ownership, title, possession, enjoyment and cultivation over the lands situated at plot nos.2759 and 2760. Rival claims have been raised by the parties.

Reliance has been placed on a report of the Block Land and Land Reforms Officer, Ausgram II, indicating that the petitioner and Sk. Suleman both sons of Sk. Nur Mohemmad have been cultivating certain portions of plot nos.2758/2802, 2759, 2760 and 2770.

The matter with regard to the correction of record of rights is pending before the learned Land Reforms and Tenancy Tribunal.

The prayer is that this Court must pass an order upon the police authorities to provide police protection for cultivation on the land in view of the disturbances, which have been created by the respondent nos.6 to 13.

The respondent nos.6 to 13 submit that the allegation of the petitioner is not correct and the petitioner is not the owner of the property and a portion of the disputed land belong to a Masjid committee.

Under such circumstances, this Court is not in a position to pass any orders allowing the cultivation. If the petitioner has the right, title, interest and possession, the petitioner is at liberty to do so at his risk. All that the police authorities are bound to ensure is that, no law and order problem is created and no offence is committed. The other issues with regard to title, possession, correction of records of rights, shall be decided by the appropriate forum.

Accordingly, the 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.)