

S/L 67
01.07.2022
Court. No. 19
GB

WPA 10707 of 2022

Bani Samanta
VS
The State of West Bengal & Ors.

*Mr. Soumik Ganguly,
Mr. Avik Kumar Das,
Mr. Dilip Kumar Sadhu.*

...for the Petitioner.

*Mr. Ashim Kumar Ganguly,
Ms. Karabi Roy.*

...for the State.

*Mr. Animesh Mookherjee,
Md. Ali Ahasan.*

...for the Respondent Nos.4 to 7.

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

The writ petition has been filed for a direction upon the Inspector-in-Charge, Nanoor Police Station to register an FIR against the respondent nos.4 to 7. According to the petitioner, the respondents have been trying to forcefully take possession of the lands belonging to the petitioner. The contention of the petitioner is that, the lands were sold to the respondent nos.4 to 7. Thereafter, the same were re-transferred to the petitioner. Proceedings for correction of the record of rights are pending before the learned Land Reforms and Tenancy Tribunal. The respondent nos.4 to 7, despite such transfer, have been continuously disturbing the petitioner and threatening the petitioner with dire consequences.

It is submitted by Mr. Mookherjee, learned advocate appearing on behalf of the respondent nos.4 to 7, that the record of rights would indicate that the lands were vested

and thereafter recorded in the names of the said respondents. Proceedings are pending before the Land Reforms and Tenancy Tribunal. The dispute is civil in nature and as such, the writ petition is not maintainable.

The police authorities have filed a report, from which it appears that there is an existing dispute between the parties with regard to the right, title and possession of the lands in question. However, the police authorities have enquired and apprehending breach of peace, prosecution under Sections 107/116(3) of the Code of Criminal Procedure, was submitted against the respondent nos.4 to 7.

On the basis of the police report and the documents, which have been filed before this Court, this Court is also persuaded to come to the conclusion that the dispute is entirely civil in nature. However, the police authorities shall ensure that the petitioner is neither threatened nor caused any harm by the respondent nos.4 to 7. A vigil shall be maintained.

This order shall not prejudice the proceedings, which are pending and shall not take away the right of the parties to approach the appropriate civil court, for determination of their title.

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.)