

S/L 394(ML)
08.08.2022
Court. No. 19
GB

WPA 12343 of 2021
With
CAN 1 of 2022

Shri Bishnupada Das
VS
The State of West Bengal & Ors.

*Mr. Golam Mastafa,
Mr. Tara Sankar Samanta,
Mr. Samirul Sardar.*

...for the Petitioner.

*Mr. Subhabrata Datta,
Mr. Banibrata Datta.*

...for the State.

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

The Superintendent of Police, Burwan Police Station has filed a report in the form of an instruction. It appears that the petitioner, as the manager of the Ayeshbagh S.K.U.S. Limited, sent two letters through post to the police station.

On receipt of the letters, an enquiry was made and prosecution under Section 107 of the Code of Criminal Procedure was submitted against the petitioner as also the respondent no.5. A letter was received from Mr. Khalilur Rahaman, who claimed to be the Assistant Chief Executive Officer, Board of Wakf, West Bengal. The land was claimed to be Wakf land. The description of the land is R.S. Plot No.862, measuring an area of 2.88 acres under J.L. No.63.

The police authorities found the dispute to be civil in nature and requested the Block Development Officer, Burwan on August 6, 2021 to make arrangements for

identification of the land of the Wakf Board and Ayesbagh S.K.U.S. Limited.

It appears that the police authorities have received complaints claiming rival title to the property. The Wakf Board claims to be the owner, on the other hand, the society claims to be the owner. The society has also subsequently sold the property to some other persons, who have filed an application for addition of party, in this proceeding.

Thus, this Court is of the view that unless the title to the property is adjudicated by a competent forum, the claim of the petitioner for police protection with regard to the petitioner's enjoyment by constructing a fence around the property, cannot be allowed. The police authorities shall maintain a vigil in order to prevent any unlawful and/or untoward incident.

As the society sold the property to the applicants in CAN 1 of 2022, the writ petition at the instance of the petitioner, cannot be entertained either.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

In Re: CAN 1 of 2022

In view of the disposal of the writ petition, CAN 1 of 2022 is disposed of accordingly.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)