

05.08.2022
Court No. 19
Item no.4(DL)
CP

W.P.A. No. 12287 of 2022

Sajahan Ali
Vs.
The State of West Bengal & ors.

Mr. S. P. Lahiri
Md. Habibur Rahman
Mr. M. A. Salik
Mr. Rajesh Naskar

...for the petitioner.

Mr. Tapan Kr. Kukherjee
Ms. Saheli Mukherjee

...for the State.

Mr. Rajdip Ray
Mr. Amit Kr. Ray
Ms. M. Shome

....for the respondent nos. 4 to 7.

The petitioner submits that having failed in their challenge before the Sub-Divisional Officer, Islampur, (the Revenue Officer), under Section 49(2) of the West Bengal Land Reforms Act, 1955, the respondent nos. 4 to 7 started disturbing the possession of the petitioner in respect of the land which was given to the petitioner by way of a patta by the authority. It is contended that the petitioner was granted patta in respect of 1 acre of land in R.S. Plot No. 834 of Mouza – Besarbari under Chopra Police Station vide Patta Case No. R/S-30/XII/CH/2001/02 Serial No. 14 and the brother of the petitioner, namely, Chand Ali was allotted patta

in respect of 0.72 acre of land pertaining to RS Plot Nos. 832 and 681 of the same mouza. The parties accepted the respective pattas and started enjoying their exclusive possession. The names of the parties have also been recorded in the respective record of rights.

The respondent nos. 4 to 7 challenged the grant of patta in favour of the petitioner, his brother and mother by filing Patta Annulment Case No. 20/ANL/CH/2018, 21/ANL/CH/2018 and 22/ANL/CH/2018.

The petitioner contested the said proceeding and the Annulment Case was rejected. That the petitioner, his mother and brother allegedly are in exclusive possession of the 1 acre of land.

It is alleged that the respondent nos. 4 to 7 have been continuously disturbing the petitioner and had threatened the petitioner with dire consequences. The petitioner filed a written complaint before the Inspector-in-Charge, Chopra Police Station.

A report has been filed by the police authorities. It appears that an enquiry was made and it was found that the petitioner's father and the respondent nos. 4 to 7 were cousins. The petitioner and the said respondents were both claiming title in respect of Dag Nos. 834, 681, 812, 832, 650 and 794

through inheritance. It was found that the tea garden was over all those plots and hence the dispute arose between the parties. Thus the police authorities having found the dispute to be civil in nature and over ancestral property, submitted a prosecution against both the parties under Section 107 of the Cr.P.C. The police report is taken on record.

Under such circumstances, the police authorities are directed to keep a strict vigil in order to ensure that no unlawful activities take place on the lands in question between the parties and safety and security of the petitioner must be ensured.

The question with regard to possession, enjoyment, genuineness of the pattas, the co-sharership and demarcation etc. between the parties, shall be decided by the appropriate forum.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)