

07.03.2022
Court No.13
Item Nos.54 & 55
AP

WPA 541 of 2022

**Sarnawkamal Das and Ors.
Vs.
The State of West Bengal and Ors.**

With

WPA 13758 of 2021

**Surya Kanti Bera
Vs.
The State of West Bengal and Ors.**

(Through Video Conference)

Mr. Supriyo Chattopadhyay
Mr. Sudip Kumar Maiti

... For the Petitioner in WPA 541 of 2022 and
respondent Nos.5 to 10 in WPA 13758 of 2021.

Mr. Swarup Banerjee
Mr. Sajal Kumar Ghosh

... For the Petitioner in WPA 13758 of 2021
and respondent No.5 in WPA 541 of 2022.

Mr. Sirshendu Banerjee
Mr. Naren Ghosh Dostidar
Mr. Arka Nag

... For the State in WPA 541 of 2022.

Mr. Santanu Kumar Mitra
Mr. Mirza Kamruddin

... For the State in WPA 13758 of 2021.

The petitioners in the two writ petitions are at loggerheads with each other. Both of them claim title and possession of a fishery/land.

In WPA 541 of 2022 it is asserted by the petitioners that the lease in favour of the private respondent has come to an end and hence, the petitioners therein are entitled to enter into the said fishery/land.

The petitioner in WPA 13758 of 2021 submits that the lease is not over. The petitioner is entitled to remain in possession of the said fishery/land.

Counsel for the State submits that the complaints were filed with the Bhagwanpur Police Station, Purba Medinipur and both parties has asserted their civil rights in respect of the said fishery/land.

Counsel for the State also submits that prosecution under Section 107 of the Cr.P.C. has been submitted on the complaints of each of the writ petitioners.

This Court is of the view that the police have absolutely no role to play in deciding the mutual right, title and interest of the two writ petitioners in the said petitions. The parties may approach and thrash out their civil rights before an appropriate civil forum.

The Officer-in-charge, Bhagwanpur Police Station shall, however, ensure that there is no breach of peace in the area and shall maintain strict vigil in the said area.

With the aforesaid observations, the writ petitions are disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)