

10.08.2022
Court No. 19
Item no.99 (ML)
CP

W.P.A. No. 13991 of 2022

Parul Mondal & anr.
Vs.
The State of West Bengal & ors.

Mr. Kashiswar Ghosal
....for the petitioners.

Mr. Ansar Mondal
Mr. Shayak Chakraborty
....for the State.

Mr. Soumya Banerjee
...for the respondent nos. 5,6,8 & 9.

The petitioners allege that the respondent nos. 5 to 9 have been disturbing the settled possession of the petitioners over a portion of Dag No. 655 pertaining to Mouza – Purba Thakuranichak, Sabek under Khanakul Police Station. The petitioner and her son claim to be running a tea shop from a portion of the said land. It is alleged that the respondent nos. 5 to 9 (present owners) were trying to forcefully dispossess the petitioners from the said land.

It is submitted on behalf of the respondents that the allegations are incorrect. That the respondents did not try to oust the petitioners from the said land. The respondents only tried to raise the

level of the land by depositing sand, but no attempts had been made to dispossess the petitioners.

Mr. Mondal, learned Additional Government Pleader, has filed a report. It appears that one Mantu Mondal, predecessor-in-interest of the petitioners had been running a tea stall from the said land. The disputed plot of land belonged to one 'Holy Orthodox Catholic Church'. Later, the same was sold to some of the respondents. After execution of the deeds of conveyance, the names of the purchasers were mutated in the land records. The enquiry revealed that the present owners approached the petitioners with certain offers and tried to settle the claim. On the basis of the directions of the learned Executive Magistrate, Arambagh Sub-Division in three cases, the police authorities enquired and filed prosecution under Section 107 and 116(3) of the Cr.P.C., thereby directing the respondents to maintain peace and tranquility. The dispute was found to be civil in nature. The police report is taken on record.

The writ petition is disposed of with a direction upon the police authorities to ensure that the petitioners are not disturbed in any way and there is no breach of peace.

The other contentions of the parties with regard to their possession etc. shall be decided by the appropriate court and the present owners are entitled

to take steps for eviction of the petitioners in accordance with law.

The writ petition is disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)