

28.07.2022
Court No. 19
Item no.05
CP

W.P.A. No. 16111 of 2021

Sudhangshu Sahoo
Vs.
The State of West Bengal & ors.

Mr. Gobinda Chandra Baidya

...for the petitioner.

Mr. T. M. Siddiqui
Mr. N. Chatterjee

....for the State.

Mr. Dilip Kumar Shyamal
Mr. Gourab Ghosh
Mr. Koushik Banerjee

....for the respondent nos. 9 & 10.

The petitioner alleges that the respondent nos. 9 and 10 and their men and agents had blocked a water body situated on the lands of the respondent nos. 9 and 10. According to the petitioner, the local cultivators used water for the purpose of irrigation from the said water body. When the water body was blocked and parts of it were sold, the petitioner approached the Inspector-in-Charge, Kakdwip Police Station by filing a complaint dated September 2, 2021. The allegation is that no steps have been taken by the police authorities.

Mr. Ghosh, learned advocate appearing on behalf of the respondent nos. 9 and 10, refers to the

record of rights and submits that the land in question was granted to them by the Government, by way of a 'patta'. The classification of the land is 'sali'. According to him, there has never been any water body on the said land and the allegations of blockage of the water body and sale of the water body to outsiders were completely baseless.

Mr. Siddiqui, learned Additional Government Pleader, hands over a copy of the police report from which it appears that on the basis of the complaint filed by the petitioner, an enquiry was made. The petition of complaint did not disclose any cognizable offence. It was merely alleged that a waterway had been blocked. The bone of contention between the parties was with regard to obstruction in the passage of rain water through the cultivated lands of the petitioner. Over such dispute, altercation took place between the parties and the police authorities registered two general diaries. In apprehension of breach of peace, prosecution under Section 107 of the Cr.P.C. was also submitted. The police authorities have maintained a close vigil in order to prevent any further untoward incidents. The police has denied the existence of any water body which was allegedly used by the local villagers for the purpose of agriculture.

Perused the record of rights. The lands in question appears to be 'sali' lands, which means they are agricultural lands. The lands have been recorded in the names of the respondent nos. 9 and 10. Whether any dispute arose with regard to the passage of rain or whether there had been a water body, cannot be decided by the police authorities. It is also the specific contention of the respondent nos. 9 and 10 that the passage of rain water through their lands to other lands had never been blocked in any way.

The police report also does not indicate any such blockage. The police report is taken on record.

The petitioner is at liberty to approach the appropriate forum in accordance with law over the allegations of sale of parts of the lands and water body. Remedy before the civil court and before any other forum is kept open.

The police authorities shall continue the vigil in order to prevent further untoward incident. The police shall also ensure that the parties use their respective cultivable lands, 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.)