

22.06.2022
Court No. 19
Item no.96
srm

WPA No. 16973 of 2021

Kalyan Ranjan Coomer & Anr.

Vs.

The State of West Bengal & ors.

Mr. Sujit Kr. Rath

Mr. Sukumar Sarkar

Mr. Anirban Saha

....for the Petitioners.

Mr. Moloy Singh,

Mrs. Susmita Biswas Chowdhury

.....for the State.

Affidavit of service is taken on record. The respondent Nos. 6, 7, 9 to 19 and 22 to 27 have been served.

The petitioners do not want to proceed against the heirs and legal representatives of the deceased, respondent Nos.8, 20 and 21. Their names be expunged, here and now.

The writ petition proceeds against the State-respondents as also the other respondents, who have not appeared before the Court despite service. This order shall not be binding upon the heirs and legal representatives of the deceased, the respondent Nos.8, 20 and 21.

The petitioners submit that the respondent Nos.6, 7, 9 to 19 and 22 to 27 have been disturbing the petitioners'

cultivation on lands situated at L.R. Dag Nos.698, 924, 1109, 1498, 1586 and 1389., Mouza – Hatni, within the Pandua Block.

It is further submitted that a report to that effect was filed by SI Arnab Ganguly, Officer-in-Charge, Pandua Police Station. The report indicates that an enquiry was made by SI Kaushik Dutta who had submitted a prosecution for maintenance of peace and tranquility over the property during the period of cultivation. Such report for prosecution was filed against the aforementioned respondents.

The petitioners now submit that in view of such finding, police protection must be given to the petitioners during the cultivation.

The petitioners are at liberty to file an application seeking police protection before the Superintendent of Police, Hooghly. The said authority upon assessment of the ground reality and upon consideration of the reports filed by the police authorities, shall dispose of such prayer for police posting, upon hearing all the parties.

Needless to mention, if such police posting is permitted, the petitioners shall bear the expenses as will be calculated by the Superintendent of Police, Hooghly.

Neither this Court nor the police authorities are empowered to decide the title with regard to the land on which the petitioners wish to cultivate.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)