

22.06.2022
Court No. 19
Item no.99
CP

W.P.A. No. 17194 of 2021

Swapam Kumar Jash & anr.
Vs.
The State of West Bengal & Ors.

Mr. Shiba Prasad Bhattacharjee

....for the petitioners.

Mr. Sattwik Bhattacharyya
Mr. Ashutosh Bhattacharyya

....for the respondent nos. 4 to 23.

Mr. Asish Kumar Guha
Mr. Joyak Gupta

....for the State.

Affidavit of service is taken on record.

The petitioners allege that the respondent nos. 4 to 23 have forcefully entered into the lands belonging to the petitioners and have been continuously preventing the petitioners from entering into such lands. The petitioners claim to be the owners of the said lands and submit that due to obstructions, the petitioners cannot cultivate on their own land. They are being continuously threatened as a result of which, the petitioners cannot enter the village.

Mr. Bhattacharyya, learned advocate appearing on behalf of the respondent nos. 4 to 23, submits that the petitioners and their predecessor-in-interest

sold the lands to the respondent nos. 4 to 23 upon payment of consideration money and these respondents have been in possession for a considerable time. The respondents have been cultivating on the said lands.

A complaint was also filed by the said respondents before the IC, Bolpur Police Station from which it appears that the said respondents were aggrieved because the petitioner no. 1 and his brother were not registering the deeds of sale.

The police report is taken on record. It appears that after causing an enquiry and apprehending breach of peace, a report for prosecution under Section 107/116(c) of the Cr.P.C. was submitted before the learned court. The parties were directed to maintain peace and tranquility.

Having heard the learned advocates for the respective parties, this court is of the view that the dispute between the parties is with regard to dispossession and title etc. The remedy of the petitioners would be before the learned civil court.

With regard to the other allegation that the petitioners are being prevented by the respondent nos. 4 to 23 from entering into the village and are being threatened, this court directs the concerned police authorities to ensure that the petitioners have

a safe entry into their village house and can live peacefully, without any disturbance.

If the petitioners have any agricultural land apart from the lands which have been allegedly sold to the respondent nos. 4 to 23, the petitioners may cultivate the same.

The police authorities will ensure that law and order is maintained by both the parties and no untoward incident takes place.

The question of possession, title and right of the respective parties to cultivate on the alleged agricultural lands have not been gone into by this court and these issues shall be decided by the appropriate forum.

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.)