

22.08.2022
Court No. 19
Item 442 (ML)
CP

WPA No. 17325 of 2021

Sk. Jahangir @ Haji Sk. Jahangir & ors.
Vs.
The State of West Bengal & ors.

Mr. Balai Lal Sahoo
Md. Nure Zaman
Mr. Jahangir Badsha

...for the petitioners.

Ms. Amrita Panja Moulick

....for the State.

Two affidavits-of-service have been prepared and filed before this court indicating that the respondent nos. 4 to 12 had been served.

The petitioner relies on a decree passed by the learned civil court, declaring the vendors of the petitioners to be the lawful owners of the lands in question and further restraining the defendants in the said suit, from interfering with the peaceful possession of the vendors of the petitioners. Such decree was passed by the learned Civil Judge (Junior Division), 6th Court, at Alipore in Title Suit No. 491 of 2014. The defendants in the suit were also restrained from encroaching into the suit property.

It is contended that the right, title and interest of the petitioners were on the basis of a deed of sale executed by the plaintiffs in the said suit and the

names of the petitioners have been recorded in the municipal records as also the land records. It is submitted that the respondent nos. 4 to 9 were the defendants in the suit.

Neither the police authorities nor this court can go into the question as to whether the land in respect of which the decree was passed, had been sold to the petitioners and whether the petitioners were in possession of the same. The police report also revealed that after receiving the complaint, an enquiry was held and it was found that the dispute between the parties was a long standing land dispute.

The other issues which have been raised before this court cannot be adjudicated in a writ petition. The remedy of the petitioners to approach any other authority, is left open.

However, when the petitioners have alleged disturbance, encroachment etc., the police authorities must keep a vigil and ensure that peace is maintained. The merits of the allegations have not been gone into.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)