

16-09-2022
ct no. 13
Sl.84
sp

WPA 16878 of 2022
Sekh Rafikul Islam
-Versus-

The State of West Bengal & Ors.

Mr. Dhananjay Banerjee,
Ms. Oindrila Ghosh

....for the petitioner

Mr. Subhabrata Datta, Id. Sr. Govt. Adv.,
Mr. Debashis Sarkar

...for the State

Mr. Mrinal Kanti Ghosh

...for the respondent no.5

The petitioner is aggrieved that the private respondent is interfering with the cultivation on his property.

Counsel for the private respondent submits that he is cultivating on 20 decimals of land that belongs to him. Admittedly, there is no demarcation on the land between the parties.

The parties may approach the civil forum, inter alia, for demarcation of their land and for enforcing their civil rights.

Counsel for the State submits that a proceeding under Section 107 of the Cr. P.C. has been drawn up by the Bhatar Police Station, Purba Bardhaman.

The police shall continue to maintain vigil in the area and ensure that there is no breach of peace in the area.

It may not be out of place to mention that the petitioner's father had filed an earlier writ petition being WP 4626 (W) of 2017 on the same representation to the police. The said writ petition was disposed of with similar directions as above, on February 27, 2017, by a Coordinate Bench. In the normal circumstances, costs are warranted against the writ petitioner for having filed another writ petition on the self-same cause of action.

The instant writ petition is disposed of with a warning to the writ petitioner, against repeating such conduct.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)