

S/L 110
22.06.2022
Court. No. 19
GB

WPA 18671 of 2021

Hamidur Rahaman
VS
The State of West Bengal & Ors.

*Mr. Anindya Bose,
Mr. Safiur Rahaman,
Mr. Diptendu Mandal,
Mr. Nikhil Gupta.*

...for the Petitioner.

*Mr. Subhabrata Datta,
Mr. Banibrata Dutta.*

...for the State.

*Mr. Habibur Rahman,
Md. Ali Asasan.*

...for the Respondent Nos.4 to 13.

Affidavit-of-service filed in Court today, be kept with the record.

The petitioner has prayed for an order upon the police authorities to grant him protection during harvesting on LR Plot No.1600 of Mouza-Deepnagar, J.L. No.87. The allegation is, that the respondent nos.4 to 13 have been disturbing such cultivation.

The respondent nos.4 to 13 have filed a reply, dated January 25, 2022 given by the Block Land and Land Reforms Officer, Raiganj, Uttar Dinajpur, under the Right to Information Act, from which it appears that the LR Plot No.1600, over which the petitioner claims title, was vested to the State of West Bengal. Total area of vesting has been stated to be 5.10 acres.

The police authorities have also filed a report, which corroborates the statements of the respondent nos.4 to 13.

The respondent nos.4 to 13 submitted that they have been in occupation of the said land and they had also applied for patta.

Pursuant to the complaint lodged by the petitioner, SI Subhankar Ghosh, Raiganj Police Station made an enquiry and filed a report for prosecution under Section 107 of the Code of Criminal Procedure. The parties have been directed to maintain peace and tranquillity. The report is taken on record.

Under such circumstances, as there are disputes with regard to title of the petitioner in respect of the land, which has allegedly vested to the State of West Bengal, no further orders can be granted in favour of the petitioner. The remedy of the petitioner would be before the appropriate forum.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)