

16.09.22  
Sl-07  
Ct.32  
(S.R.)

**MAT 1168 of 2017**  
**with**  
**CAN 1 of 2017 (Old No: CAN 8110 of 2017)**  
**and**  
**CAN 2 of 2018 (Old No: CAN 9482 of 2018)**

**Md. Amin Molla & Ors.**  
**v.**  
**The State of West Bengal & Ors.**

Mr. Bhaskar Chandra Manna ... for the appellant.

The present appeal has been preferred challenging an order dated 27<sup>th</sup> April, 2017 passed in W.P. No.12270 (W) of 2017.

As we have invited Mr. Manna, learned advocate appearing for the appellants/writ petitioners to advance his arguments on merits of the matter, the delay in preferring the appeal is condoned and the application being CAN 2 of 2018 (Old No: CAN 9482 of 2018), is disposed of.

Mr. Manna submits that the learned Single Judge abruptly disposed of the writ petition without considering the arguments as advanced on behalf of the appellants. As there was no dispute as regards the ownership and possession of appellants over the plots of land, as detailed in paragraph 1 of the writ petition and as the private respondents were disturbing such peaceful possession of the appellants, the learned Single Judge ought to have directed the police authorities to consider such grievances

as reported and to take appropriate steps. The impugned order was passed without even considering the judgments upon which reliance was placed by the appellants.

We have heard Mr. Manna and have considered the averments made in the writ petition as well as in the application for interim order filed in connection with the appeal.

It appears from the materials on record that there was a dispute amongst the appellants and the private respondents pertaining to ownership and possession of the plots of land, as detailed in paragraph 1 of the writ petition. The judgment of the Hon'ble Appeal Court, upon which reliance has been placed by Mr. Manna, is distinguishable on facts.

The learned Single Judge arrived at a finding that the dispute between the appellants and the private respondents was civil in nature and accordingly, it was observed that the appellants would be at liberty to establish and enforce their civil rights over the property before the appropriate Civil Court of competent jurisdiction. The learned Single Judge also observed that in the event, the private respondents resort to act of violence, it would be open for the appellants to initiate appropriate criminal proceeding and that lawful orders passed by the judicial authorities shall be implemented by the police authorities, in accordance with law.

We do not find any infirmity in the order impugned and as such, no further interference is called for in the present appeal.

With the above observations the appeal and the connected application, being CAN 1 of 2017 (Old No: CAN 8110 of 2017) are disposed of.

There shall, however, be no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

**(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)**