

29.8.2022
Sl.No.519
sn

WPA 20794 of 2021

**Hemanta Mondal & Anr.
Vs.
The State of West Bengal & Ors.**

**Mr. Kamal Mishra
Mr. Avijit Basu
Mr. Pratap Sanfui
..for the petitioners**

**Mr. Somen Kr. Dutta
Mr. Subhanu Dutta ..for the pvt.respdts.**

**Ms. Chama Mukherjee
Ms. Manika Pandit
..for the State**

The writ petitioners pray for assistance of the police authorities during cultivation. The alleged plot of land had been settled in favour of the petitioners, by way of patta, granted by the Government of West Bengal. The lands are situated at plot Nos. 1341, 183, 448 corresponding to J.L. No. 78, mouza Boga, District Purba Medinipore. It appears that the patta was granted in favour of the petitioners in respect of three plots. The areas have been mentioned in the patta itself.

In plot nos. 1341, 183 and 448, the petitioners had been allotted 7 decimals, 2 decimals and 13 decimals, respectively.

Mr. Dutta, learned advocate for the respondent No. 5, submits that a civil suit is pending with regard to plot number 1341, being Title Suit No. 749 of 2021. According to Mr. Dutta, some

co-sharers asked for partition of the plot on the basis of their title deeds or patta or other documents. The petitioners are also defendants. Mr. Dutta's client, does not have any objection with regard to the cultivation of the petitioners, in plot nos. 183 and 448, to the extent of the land which has been allotted in their favour, by way of patta. It is submitted that a learned advocate commissioner has also been appointed for the purpose.

Learned advocate for the state respondents submits that a civil suit is pending. A learned advocate commissioner has been appointed and has been asked to file a report within a fixed time. The dispute was completely civil in nature and the police authorities do not have any role to play.

Under such circumstances, the prayer of the petitioners with regard to the cultivation on dag no. 1341, with police help, is not available in this proceeding. The proper course would be, to approach the learned civil court before which, the suit is pending. They may pray for appropriate clarification of the order of injunction or for further orders, as permitted by law.

As there is no obstruction with regard to the other plots, no further order need be passed. However, if the petitioners face further problem, then the petitioners may approach the concerned

Block Land & Land Reforms Officer for demarcation of the said undisputed plots, on the basis of the patta.

The police authorities shall maintain peace.

This writ petition is disposed of.

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

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

(Shampa Sarkar, J.)