

29.8.2022
Sl.No.519
sn

WPA 20796 of 2021

**Sibani Mondal
Vs.
The State of West Bengal & Ors.**

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

**Sk. Md.Galib
Ms. Sujata Ghosh ..for the State**

**Mr.Soumen Dutta
Mr. Subhanu Dutta
..for the pvt.respdt.**

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

In plot nos. 1341 and 183 the petitioner had been allotted 7 decimals and 2 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 petitioner is also a defendant. Mr. Dutta's client, does not have any objection with regard to the cultivation of the petitioner in plot nos. 183, to the extent of the land which has been allotted in favour of the petitioner, by way of patta. It is submitted that a learned advocate commissioner has also been appointed.

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 petitioner to allow cultivation on dag no. 1341, with police help is not available. The proper course would be, to approach the learned civil court before which the suit is pending. He 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 plot, no further order need be passed. However, if the petitioner faces further problems, then the petitioner may approach the concerned Block Land & Land Reforms Officer for demarcation

of the said undisputed plot, 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.)