

29.8.2022  
Sl.No.520  
sn

**WPA 20797 of 2021**

**Pratima Pramanick  
Vs.  
The State of West Bengal & Ors.**

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

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

**Mr. Biswabrata Basu Mallick  
Mr. Sayan Ganguly  
..for the State**

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. 1257 and 1341, 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. 1257 and 1341, the petitioner was allotted 10 decimals and 11 decimals of land, 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 no. 1257, 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 in the suit.

Learned advocate for the state respondents submits that a civil suit is pending. The 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 remedy of the petitioner with regard to the prayer for cultivation on dag no. 1341 is not available here. 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.)**