

16.06.2022
Sl. No.46
srm

W.P.A. No. 20964 of 2021

Gopi Nath Mondal

Versus

The State of West Bengal & Ors.

Mr. Arindam Chattopadhyay,
Mrs. Lipika Chatterjee,
Mr. Soumik Dey

...for the Petitioner.

Mr. Sirsanya Bandopadhyay,
Mr. Subhendu Sen Gupta

...for the State-respondents.

Despite service, none appears on behalf of the respondent
Nos.7 to 10. Affidavit-of-service is taken on record.

The petitioner is represented by his father and local guardian Youdhaban Mondal. The petitioner claims to be the owner of the property situated within the jurisdiction of the Suti Police Station and the allegation is that the respondent Nos.7 to 10 have been disturbing the peaceful use and occupation of the land in question. A complaint was made before the Officer-in-Charge, Suti Police Station, District-Murshidabad.

On the basis of such complaint, the police authorities made an enquiry. A report has been filed before this Court, which is taken on record. It appears from the report that as per the records of the Block Land and Land Reforms Officer, Suti-II, one Ashok Kumar Das, son of late Provat Kumar Das, is the

recorded owner of the disputed property. Upon local enquiry, it was found that one Provat Mondal and his sons were in possession of the property since 2009. Provat Mondal purchased the property from Kanonbala Das, who is the sister of Ashok Kumar Das. Ashok Kumar Das is the vendor of the petitioner. There are rival claims to title with regard to the property, indicating that the petitioner and Provat Mondal purchased the selfsame property.

Under such circumstances, this Court is of the view that the dispute is with regard to the right, title, interest and possession in respect of the property in question. The scope of the proceedings before this Court is limited. The disputes are civil in nature and cannot be resolved either by this Court or by the police authorities. If the petitioner's possession and cultivation are denied by private parties, the remedy of the petitioner would be to approach the appropriate forum. The police enquiry has revealed that the petitioner is not in possession of the disputed land. The only order that can be passed in this case, is that the police authorities shall ensure that the parties do not commit any breach of peace.

The writ petition is, thus, disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)