

08-12-2022
ct no. 13
Sl.594
sp

WPA 19030 of 2019
Asutosh Gayen & Ors.
-Versus-

The State of West Bengal & Ors.

Mr. Sukumar Ghosh,
Mrs. Moumita Ghosh

....for the petitioners

Ms. Sima Adhikari,
Ms. Kakali Naskar

...for the State

Mr. Amit Baran Dash,
Ms. Ankana Sarkar

...for the respondent no.4

The petitioners claim to be the lawful Bargadars of a piece of land. They claim to have been tilling the land for more than 50 years. It is submitted that the private respondent is trying to dispossess the petitioners.

Counsel for the private respondent submits that the petitioners are not the Bargadars in the first place and his client is the lawful landowner.

These issues cannot be dealt with by a Writ Court or the Police.

It is submitted that the private respondent instituted a civil suit being T.S. No. 654 of 2014 which was dismissed under the provisions of Order 7, Rule 11 of the Code of Civil Procedure.

On an appeal being preferred by the private respondents being Title Appeal No. 56 of 2018, the order of dismissal of the suit is stated to have been stayed.

This Court is of the view that unless the title of the parties is decided by an appropriate Court or statutory forum, the police cannot, in any way, prevent or interfere or pronounce upon any civil rights claimed by the parties.

The Bhangore Police shall strictly enforce any order that may be passed by any civil or statutory forum in favour of any of the parties.

The Officer-in-Charge, Bhangore Police Station, South 24 Parganas shall, however, ensure that there is absolutely no breach of peace in the area and shall continue to maintain strict vigil thereat.

With the aforesaid observations, the writ petition shall stand disposed of.

The instructions of the Bhangore Police Station dated 08.12.2022, addressed to the learned State Advocate is taken on record.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

