

22.08.2022
Court No. 19
Item No. 4(DL)
CP

WPA No. 24237 of 2019

Manik Mandal & ors.
Vs.
The State of West Bengal & ors.

Mr. Musharraf Alam Sk.
Ms. Susmita Ghorai

...for the petitioners.

Mr. Susovan Sengupta
Mr. Subir Pal

...for the State.

Affidavit of service is taken on record. Despite service, none appears on behalf of the respondent nos. 8 and 10 to 15. Service upon the respondent nos. 9 and 16 has not been completed. However, having perused the police report this court does not find that the said respondents are required to be served once again. The police report is taken on record.

The petitioners allege police inaction. The facts as pleaded by the petitioners are that the respondent no. 8 had been given jalkar rights with regard to the 'Beel' in Mouza Araji Jalsa, having an area of 26.37 acres with effect from 1425 B.S. for a period of 7 years. The respondent no. 8 engaged the petitioners to look after and manage the said jalkar for commercial purpose. According to the petitioners, the respondent no. 8 did not have any authority to stop

the petitioners from catching fishes in the Tangon river which was allegedly beyond the area covered by the jalkar rights.

The police authorities enquired into the matter upon receipt of the complaint of the petitioners. The police authorities have submitted that the dispute is a private one, between the respondent no. 8 and the petitioners. The petitioners were engaged by the respondent no. 8 on certain terms and conditions. Disputes arose and the same are not open for adjudication either by this court or by the police authorities. It is further submitted that the petitioners were, at best, functioning as agents of the respondent no. 8. However, apprehending breach of peace, the police authorities have filed a prosecution under Section 107 of the Cr.P.C.

Under such circumstances, this court is of the view that this is not a case which can be resolved by the police authorities. Whether the Tangon river formed a part of the jalkar rights, is a matter to be decided by the appropriate authority.

The petitioner has already approached the Additional District Magistrate and the District Land Reforms Officer, Malda.

Thus, the writ petition is disposed of without any orders. The appropriate authority shall decide

the issue in accordance with law, upon hearing the contentions of all the parties.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)