

20.07.2022
Sl.No.4(SL)
srm

W.P.A. No. 8375 of 2020
Sandip Kumar Hazra
Versus
The State of West Bengal & Ors.

Mr. Bhagat Choudhury,
Mr. Somesh Kumar Ghosh

... for the Petitioner.

Mr. Ashim Kumar Ganguly,
Mrs. Sukla Das Chandra

...for the State-respondents.

Despite service, none appears on behalf of the respondent Nos.6 and 7. Affidavit-of-service is taken on record.

The petitioner alleges that the respondent No.6 had disturbed the cultivation of the petitioner on the land being L.R. Dag Nos.129 and 19 of Mouza-Nilpur, District-Paschim Medinipur.

The petitioner claims to have become the owner of the said lands on the basis of a deed of gift executed by his mother, dated May 7, 2019. The respondent No.6 allegedly was trying to grab the property. The name of the petitioner has been mutated in the L.R record of rights.

A complaint was lodged by the petitioner before the Officer-in-Charge, Debra Police Station dated March 6, 2020. The allegation was that when the petitioner was going to cultivate on the said lands on February 5, 2020 at

about 8:00 a.m., the respondent No.6 attacked the petitioner with deadly weapons. The petitioner was threatened with dire consequences. It is alleged that despite such complaint, the police authorities did not register an FIR.

The police report is taken on record. It appears that on receipt of the complaint, a general diary was registered being Debra PS GDE No.1580 dated March 28, 2020. An enquiry was made and it was learnt that there was a long standing dispute between the petitioner and the respondent No.6. The respondent No.6 and his family members were found to be in possession on the lands for 40 years. The fact that the petitioner's name has been recorded in the LR records, is admitted by the police authorities, but enquiry revealed that the petitioner was not in possession of the said lands. The said lands were never used for cultivation. Another general diary was registered on July 18, 2022 over the issue. As the dispute was found to be civil in nature, the police authorities directed both the parties to maintain peace and tranquility and to approach the appropriate forum with their grievances.

The petitioner alleges that the lands in question are agricultural lands and the question of physical possession

of the respondent No.6 and his family members would not arise. However, this dispute cannot be resolved either by the writ court or by the police authorities. Upon enquiry, the police authorities found that the respondent No.6 and his family members were in possession for more than 40 years and there was a dispute over such possession, for a long period of time.

Under such circumstances, this Court is of the view that the remedy of the petitioner would be to approach the civil court for appropriate orders.

The police authorities are further directed to ensure that peace and tranquility is maintained and the petitioner is neither harassed nor intimidated or injured by the respondent No.6. The issues, which have been discussed in this order, shall not have any impact on any other proceeding that may be initiated by the parties with regard to their right, title and interest.

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.)