

05-07-2023
ct no. 14
Sl. 32
Sayandeep

WPA 7901 of 2023
Sanjoy Maity & Ors.
-Versus-
The State of West Bengal & Ors.

Mr. Goutam Banerjee
Ms. Priya Dey
Ms. C. Das Banerjee
.....for the petitioners
Mr. Pantu Deb Roy
Mr. Pannalal Bandopadhyay
.....for the State

This is an application under Article 226 of the Constitution praying for direction upon the respondent, especially respondent No. 6 to restrain the private respondent Nos. 7 to 13 from creating disturbance to the petitioners from cultivating the land in question.

Affidavit-of-Service filed on behalf of the petitioners is taken on record.

Despite service, no one appears on behalf of the respondents although the State is represented.

A copy of the report filed on behalf of the State is also taken on record.

Learned counsel appearing for the petitioners submits as follows. The mother of the petitioner was the recorded owner of the land in question. The private respondents were the other co-sharers of the over all property,

but had nothing to do with the land in question which is owned and possessed by the present petitioners. In spite of this, the private respondents have been disturbing the petitioners and trying to prevent them from cultivating their own land. The matter was brought to the notice of the local police authorities, but they have not taken any steps. This prompted the petitioners to file an application under Section 144 of the Code in which a favourable order was granted by the learned Executive Magistrate. Even the said order is being violated by the private respondents and the police is sitting tight over the matter.

Learned counsel appearing for the State relies on the report and submits as follows. Although it is substantially a dispute of civil nature, so far as the allegation of alleged wrong doing of the private respondents in preventing the petitioners from cultivating the land in question is concerned, the police have taken sufficient steps and proceeding has also been started under Section 107 of the Code of Criminal procedure.

I have heard the submissions of learned counsels appearing for the parties and have

perused the writ petition and the report filed by the State.

It appears that as regards the allegations of forcible and illegal acts of the private respondents in trying to prevent the petitioners from cultivating the land, the police has already taken certain steps. A Proceeding has been drawn up under Section 107 of the Code of Criminal Procedure.

The petitioners are also purportedly armed with an order of the learned Executive Magistrate under Section 144 of the Code.

As such, no further order need be passed in this case.

Accordingly, the writ petition is disposed of without any order as to costs.

However, the police authorities shall keep vigil at the locale and see to it that no order of a competent Court is violated by anyone.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Jay Sengupta, J.)