

15.05.2023
Court No.13
Item No.14
AP

WPA 11857 of 2023

**Prodip Banerjee and Ors.
Vs.
The State of West Bengal and Ors.**

Mr. Soumya Majumdar
Mr. Suddhasatva Banerjee
Mr. Varun Kothari
Mr. Soumalya Ganguli

... For the Petitioners.

Mr. Amitesh Banerjee
Mr. Nilotpal Chatterjee
Ms. Ipsita Banerjee

... For the State.

1. The petitioners are aggrieved that certain local persons, supported by the Kaliganj Police, have been preventing the petitioner from exercising his rights in respect of a Jalkar. Their rights in respect of property was declared in favour of the petitioner by a Civil Court in an appeal being Title Appeal No.220 of 1972 by a decree dated 22nd February, 1995 passed by the Additional District Judge, Nadia, 3rd Court, Krishnagar. The entitlement of the petitioner has been confirmed by the orders of the WBLRTT in OA No.34/15.

2. Counsel for the State denies the allegations against the Kaliganj Police Station.

3. This Court is of the view that the petitioner is entitled to exercise his rights in respect of the Jalkar exclusively.

4. Kaliganj Police shall post a picket comprising of four constables, who shall ensure that the petitioner is

exclusively able to cultivate the Jalkar. The cost of posting police picket for a period of two months shall be borne by the petitioner. Kaliganj Police shall communicate the cost to the petitioner and the same shall be paid for such deployment.

5. In addition to the picket, the petitioner may also post security guard.

6. Kaliganj Police shall also ensure that the petitioner is able to peacefully cultivate the Jalkar in question.

7. The police may suitably modify the order passed under section 144 of the CrPC in and around the Jalkar.

8. With the aforesaid directions, the writ petition shall stand disposed of.

9. There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)