

04 18.07.2023
NB Ct. 14

WPA 15193 of 2023

Kashem Ali Mondal
Vs.
The State of West Bengal & Ors.

Mr. Partha Chakraborty,
Ms. Poulomi Dutta,
Ms. Kaushani Majumdar.
...for the petitioner.

Mr. Suman Ghosh,
Mr. Soumen Chatterjee.
....for the State.

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities particularly respondent no.3 to render all sorts of cooperation and assistance for the purpose of the petitioner to continue pisci-culture at the plot so that miscreants could not harass or harm him or his representatives.

Affidavit of service filed on behalf of the petitioner is taken on record.

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner's predecessor had got two plots of land being Dag Nos.3403 and 3404 settled in his favour. Thereafter, pisciculture was being carried on in the pond in question. Certain miscreants had been creating trouble in the conduct of pisciculture in the said pond. This prompted the petitioner to approach the police authorities for help. Further, police had felt to render adequate help.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. After the State made an enquiry it was found that Dag No.3404 was vested in the State. When the petitioner was confronted with this, by a letter dated 17.12.2022 the petitioner withdrew the complaint made before the police authorities. Without prejudice, the respondent authorities are keeping a strict vigil at the locale so that no untoward incident takes place.

I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the writ petition and the report filed by the State.

Considering the report submitted by the State, it will be a matter of decision before the Civil Court whether the petitioner has any right over the Dag No.3404.

This is primarily a dispute of civil nature.

There is no need to pass any further order in this regard.

However, the respondent police authorities, without prejudice, shall keep a strict vigil at the locality and ensure that no breach of peace takes place there.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)

