

03-08-2023
Item No.17
Subrata
Bhattacharyya

IN THE HIGH COURT AT CALCUTTA
Constitutional writ Jurisdiction
Appellate Side

WPA No.16203 of 2023
Ekbal Ahammed

-VS-

The State of West Bengal & Ors.

Mr. Rajnil Mukherjee
Mr. Masta Fizur Rahaman ...for the petitioner

Mr. Suman Ghosh
Mr. Sankha Prasad Roy ...for the State

This is an application under Article 226 of the Constitution of India praying for directions upon the respondents authorities, especially the respondent no.3 to initiate appropriate steps to protect the fundamental rights to life and property of the petitioner and peaceful possession over the property and to take appropriate steps against the errant private respondents.

Affidavit of service filed in court be taken on record.

A report filed by the State is also taken on record.

Learned counsel for the petitioner submits as follows. The petitioner is the owner of the land in question. However, he is being prevented from enjoying his land and cultivating the same by the private respondents. He seeks police protection to cultivate his own land.

Learned counsel on behalf of the State relies on the report and submits as follows. The private respondents are the bargadars of an adjoining piece of land. However, they had also been cultivating a portion

of the land belonging to the petitioner for about 50 years. Thus, this is a civil dispute which has to be decided by a competent court. The State has already initiated proceedings under section 107 CrPC and asked the private parties to approach the Block Land & Land Reforms Officer to have the issues sorted out. The issues have to be agitated before a competent court.

I have heard learned counsel for the respective parties and have perused the writ petition and the report filed by the State.

It appears that there exists a civil dispute between the parties about whether the private respondents at all have existing rights to cultivate the portion of the land of the petitioner as the bargadars or otherwise.

So far as the question of threats and intimidations on the petitioner are concerned, the police have already acted. It appears that proceedings was initiated under section 107 CrPC. The police are keeping strict vigil in the locality.

Therefore, there is no need to pass any further order.

However, the respondent-police authorities shall keep a strict vigil at the locale and ensure that no breach of peace takes place and no order passed by a competent court is violated.

With the above observations, WPA No.16203 of 2023 is disposed of. No order as to costs.

Certified copy of this order, if applied for, shall be made available to the parties.

[Jay Sengupta, J]

