

03-08-2023
Item No.45
Subrata
Bhattacharyya

IN THE HIGH COURT AT CALCUTTA
Constitutional writ Jurisdiction
Appellate Side

WPA No.17488 of 2023
Sri Narayan Duley
-vs-
The State of West Bengal & Ors.

Mr. Uttam Banerjee
Mr. Arunesh Pathak
Mr. Aniruddha Singha Roy ...for the petitioner

Mr. Suman Sengupta ...for the State

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondents authorities to protect the petitioner's life and his barga property.

Affidavit of service filed in court be taken on record.

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

Learned counsel for the petitioner submits as follows. The petitioner is the bargadar in respect of the land in question. He has been cultivating the land for the last 40 years in such capacity. In spite of this, the private respondents are disturbing and intimidating the petitioner and trying to prevent him from cultivating such land. The private respondents happen to be the heirs of the erstwhile owner. The petitioner is also the owner of a portion of the land in question (7 sattaks).

Learned counsel for the State relies on the report and submits as follows. If the petitioner wants to

establish his civil right, he has to approach the appropriate forum. However, on the allegations made by the petitioner before the learned Magistrate and in compliance with an order of the learned Magistrate, an inquiry was done and a proceeding was initiated under section 107 CrPC. The police are keeping sharp vigil at the locale.

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

If the petitioner wants to establish his civil right regarding a property, he has to approach the appropriate court for such purpose.

However, so far as the grievance of the petitioner regarding threat and intimidation is concerned, pursuant to an order of the learned Magistrate, the police authorities have already initiated a proceeding under section 107 CrPC.

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

However, the police authorities shall maintain peace at the locale and ensure that no order of a civil court is violated.

In view of the above observations, WPA No.17488 of 2023 stands 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]

