

21 02.08.2023
NB Ct. 14

WPA 17748 of 2023

Jaykrishna Rana
Vs.
The State of West Bengal & Ors.

Mr. Balaram Pandit,
Mr. Anjan Dutta.
...for the petitioner.

Mr. Suddhadev Adak,
Ms. Arpita Mondal.
....for the State.

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities, especially the respondent no.4 herein, to comply with the order dated 04.07.2023 passed by the Sub-Divisional Executive Magistrate, Egra, Purba Medinipur in Misc. Case No.472 of 2023.

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

Despite service, no one appears on behalf of the private respondents.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the landed property in question. He is a farmer who cultivates crops on the said land. However, the private respondents who are having no right, title or interest in the property in question are disturbing him and are not allowing him to cultivate the land. According to

the petitioner, the petitioner moved an application under Section 144 of the Code of Criminal Procedure. By an order dated 04.07.2023, the learned Sub-Divisional Executive Magistrate, Egra, Purba Medinipur passed an order directing the opposite parties therein not to disturb peaceful possession and cultivation by the present petitioner. Despite bringing this to the notice of the respondent authorities, no help has been rendered by the police so that the petitioner could cultivate his land.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. Pursuant to a complaint made by the present petitioner, a proceeding has already been effected under Section 107 of the Code of Criminal Procedure. The police are keeping sharp vigil in the locality.

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.

It appears that the petitioner wants to cultivate his land. Yet, the private respondents are preventing him from doing so and without any justifiable cause.

The police report does not indicate that there is any civil dispute between the private parties. However, the police have already initiated a proceeding under Section 107 of the Code on the complaint of the petitioner.

In view of the above, I direct the respondent authorities to keep a sharp vigil at the locale so that no breach of peace takes place and comply with the order of the Court during its existence.

Since affidavits were not called for, the allegations contained in the writ petition are deemed not to have been admitted.

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.)