

05-04-2023

ct no. 13

sl. 1

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WPA 18417 of 2022

Ramprasad Mondal & Ors.

-Versus-

The State of West Bengal & Ors.

Ms. Shabana Hasin,

Mr. M. Hossain

...for the petitioners

Mr. Amitesh Banerjee, ld. Sr. St. Counsel

Mr. Tarak Karan

...for the State

Mr. Sandip Kundu,

Mr. Shibasis Chatterjee

...for the respondent nos. 6 & 8

The petitioners seek a direction upon the Berhampore Police Station, Murshidabad to initiate criminal proceedings against the private respondents in terms of the circular of the Principal Secretary, Land Reforms Commissioner and Land Reforms and Refugee Relief and Rehabilitation Department dated January 17, 2020.

It appears from the record that the BL & LRO had deleted the names of the petitioners and added the names of the private respondents in respect of a particular land on the basis of certain documents. There is a dispute between the petitioners and the private respondents as regards the passage of title

from the original owners. Both of them claim to have derived title from the original owners.

Against the order of the BL & LRO, Murshidabad, the petitioners preferred an appeal before the DL & LRO, Murshidabad. By an order dated July 19, 2021 passed under Section 54 of the WBLR Act, 1955, the order passed by the BL & LRO was set aside and the petitioners' name were restored.

Having considered the orders of the BL & LRO, Murshidabad, this Court notes that the dispute between the petitioners and the private respondents is with regard to the passage of title and is civil and private.

In the above circumstances, this Court is of the clear view that the circular dated January 17, 2020 is not attracted.

In the event, the petitioners are still of the view that the private respondents have forged any documents, they may apply before the concerned Magistrate under Section 156(3) of the Cr. P.C.

Proceedings under Sections 107 and 116 of the Cr. P.C. have been drawn up by the Berhampore Police. The police shall, however, ensure that there is absolutely no breach of peace in the area.

In addition to the above, parties may seek appropriate remedies against one another.

With the aforesaid observations, the instant writ petition shall stand disposed of.

There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)