

August 31, 2023
AD 14
Court No.14
SG

WPA 18617 of 2023

Bhanu Balar Bar and others
vs.
The State of West Bengal and others

Mr. Mrinal Kanti Ghosh
... for the petitioners

Mr. Somnath Ganguly
Ms. Priyamvada Singh
... for the State

Mr. Sukanta Chakraborty
Mr. Anindya Halder
... for the private respondents

Affidavit of service filed in Court is taken on record.

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

Learned advocate for the petitioners submits as follows. The petitioners are the owners of the land in question. The private respondents have been disturbing their ownership. The petitioners filed a suit in which a decree was passed in their favour. Accordingly, the record of rights was corrected and now the plots in question are recorded in the names of the petitioners. This was challenged by the private respondents in appeal and the same was dismissed. Thereafter, a second appeal was also dismissed. The petitioners had approached the Hon'ble Apex Court, but their SLP was dismissed. The plot in question is actually a 'Bil' or a pond where the petitioners are running pisciculture. The private respondents are trying to prevent them from doing such

activity. Police help was sought to see that no violation takes place of the civil court's order. Adequate steps have not been taken. In the meantime, one of the private respondents has filed another civil suit in respect of some other plots. An order of status quo has been passed. By misusing this order, the private respondents are trying to take advantage in the present case.

Learned advocate for the private respondents submits as follows. The allegations made by the petitioners are denied. One of the private respondents is pursuing relief in a civil court. However, none of the private respondents have done anything to prevent the petitioners from conducting their activities on their plot of land or pond.

Learned counsel for the State relies on the report and submits as follows. It appears that there is a civil dispute between the private parties. However, a civil court had passed final order which was taken upto the Hon'ble Apex Court. On the complaint of the petitioners, police have already taken steps. A proceeding under Section 107 of the Code has been initiated.

It appears that the petitioners were able to obtain a decree before a civil court which was affirmed upto the Hon'ble Apex Court. Accordingly, the records of right was corrected and the petitioners' names were incorporated in respect of the plot. So far as the allegation of police inaction is concerned, the police have taken steps regarding the complaint filed by the petitioners.

Therefore, no further order need be passed in this case.

The police authorities shall keep a vigil at the locale and ensure that no breach of peace takes place and no order of a civil court is violated.

With the aforesaid observations, the writ petition is disposed of.

Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

[Jay Sengupta, J.]