

40 05.09.2023
NB Ct. 14

WPA 19243 of 2023

Badal Das
Vs.
The State of West Bengal & Ors.

Mr. D. K. Adhikari,
Mr. Debdip Adhikari.
...for the petitioner.

Mr. Rajarshi Basu,
Mr. S. T. Mina.
....for the State.

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 that the petitioner is the recorded owner of the land in question. The private respondents are disturbing his peaceful possession on the purported ground of permissive possession. He has made a representation before the police authorities in this regard so that the private respondents do not disturb the petitioner in this harvesting season. But no steps have been taken.

Learned counsel appearing on behalf of the State submits that the writ petition is not maintainable inasmuch as the police authorities are not going to decide whether the permissive possession was wrongful or not. But, the representation of the petitioner seems to seek such a relief along with the main relief of police protection.

This Court cannot look into the fact whether recording of permissive possession was done in favour of a deceased person or not. If the petitioner intends to challenge the same, he has to apply before the appropriate authority.

It appears that the petitioner's only grievance is about disturbances created by the private respondents.

Let the respondent police authorities keep a close watch in the locality and ensure that no breach of peace takes place.

No further order need be passed in this case.

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.)