

16 08.09.2023
NB Ct. 14

WPA 19521 of 2023

Sukumar Haldar
Vs.
The State of West Bengal & Ors.

Mr. Sandip Das.
...for the petitioner.

Mr. Indranil Roy,
Ms. Amrita Panja Moulick.
....for the State.

Mr. Rajib Ghosh
...for the private respondent.

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

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner's father was the recorded bargadar of the land in question since 1962. Even as per the record of rights, the present petitioners' names have now been recorded as bargadars. This would be evident from annexure 'P2' to the writ petition. The private respondents are subsequent purchasers of the land. With the help of miscreants, they are trying to prevent from cultivating the land in question. Even bombs were charged.

Learned counsel appearing on behalf of the private respondents denies these allegations and submits as follows. The private respondents purchased the property in 1980. In fact, the petitioners had to file a suit in the year 2006 to establish their rights. The same is still pending.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The allegations of hurling bombs could not be sustained. However, on the complaint of the petitioner, a proceeding was initiated under Section 107 of the Code.

It appears from the document annexed to the writ petition that the names of the petitioners are recorded as bargadars in respect of Khatian Nos.1228 and 3152.

If any of the parties want to establish a right contrary to this, they shall be at liberty to do so before an appropriate forum.

So far as the question of apprehension of breach of peace is concerned, it appears that the police authorities have already taken steps by initiating a proceeding under Section 107 of the Code.

Let the local police authorities keep a sharp vigil at the locale and ensure that no breach of peace takes place.

However, if any untoward incident happens or is apprehended by the petitioner, he shall be at liberty to inform the Officer-in-Charge of the local police station about the same and such allegation would be acted upon in accordance with law.

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.)

