

26 12.09.2023
NB Ct. 14

WPA 19549 of 2023

Ratnakar Kamilya & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Debasish Ghosh,
Mr. Nilotpal Chatterjee.
...for the petitioners.

Ms. Sonal Singh,
Mr. Ranjit Rajat.
...for the State.

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

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the recorded owners of the land in question. Reliance is placed on documents pertaining to the record of rights. However, the private respondents have been disturbing the possession of the petitioners. A complaint was lodged before the police, but no action was taken.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations made in the petition are disputed. Actually, the private respondents are in possession of the property. The petitioner had filed a civil suit and withdrawn the same, but did not choose to disclose the same in the writ petition. The private respondents have filed an

application before the BL&LRO for corrections in the record of rights.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The dispute between the adverse parties is primarily civil in nature. However, on the complaint of the petitioners, the police have already initiated a proceeding under Section 107 of the Code.

It appears that there is a dispute between the private parties over the possession of the land in question.

However, it also appears that the petitioners are the recorded owners of the property.

Till the records are changed by the BL&LRO by considering the application or otherwise, there does not appear to be any better claim than that of the petitioners over the said property.

The police have also acted on the complaint filed by the petitioners by initiating a proceeding under Section 107 of the Code.

Therefore, if any of the parties are seeking any relief regarding the title or possession of the property, the same has to be done before the civil Court.

None of the parties have any right to disturb the other and are to respect the records as they stands now.

No further order need be passed in this case.

However, the police authorities shall keep a sharp vigil at the locale and ensure that no breach of peace takes place and no order of a civil Court is violated.

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

The merits of the case have also been not gone into.

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.)