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**WPA 20024 of 2023**

Golam Kabir Ahamed  
-vs-  
State of West Bengal & ors.

Mr. Golam Mastafa  
Mr. Tarasankar Samanta

.....for the petitioner  
Mr. Masud Karim  
Ms. Ranjana Talapatra  
...for the private respondent

Mr. Priyankar Saha  
...for the State

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

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 is a co-sharer in the property along with his cousin brothers the private respondents. The private respondents have forcibly given the large pond in question on lease to someone else and is possibly enjoying the rent out of it. The petitioner, on the other hand, has been prevented from doing fishing in the said pond.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations made in the writ petition are denied. A document is available to show

that the petitioner had consented to the grant of lease to some others.

Learned counsel appearing on behalf of the State files a report and submits that pursuant a complaint made by the petitioner, a proceeding was initiated under Section 107 of the Code.

It appears that there is a civil dispute pending between the private parties over the user of a common property.

It does not appear that the petitioner had waived his rights in the pond for any consideration.

However, if the parties want to establish any claim in respect of the such property, the same has to be done before a Civil Court.

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

However, the police authority shall keep a sharp vigil at the locale and ensure that no breach of peace takes place and see to it that no order of a Civil Court is violated.

With these observations, the writ petition is disposed of.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

**(Jay Sengupta, J.)**