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14.09.2023
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Ct 14

WPA 20109 of 2023

Abdul Mojid Mallick & ors.
-vs-
State of West Bengal & ors.

Mr. Golam Mastafa
Mr. Tara Sankar Samanta
Mr. Arshad Hussain

....for the petitioners

Mr. Wasim Ahmed
Mr. Sk. Md. Masud

...for the State

Mr. Udaynarayan Betal
...for the respondent nos. 6 to 10

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

Copy of an information slip in respect of Civil Court's order, as filed by the petitioners, is taken on record.

Copies of order dated 31.08.2023 passed in a Partition Suit, orders dated 21.06.2023 and 02.08.2023 passed by the BL & LRO and copy of probate granted to the erstwhile owner, as filed on behalf of the private respondents, are 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 petitioner is the owner of the property in question. Some portions were wrongly recorded in the records of rights. The petitioner has already made an

application for correction of the records before the BL & LRO, which is still pending. Learned Civil Court had passed an order to maintain status quo between the parties.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations made in the writ petition are denied. A probate was granted in respect of the property in question to the erstwhile owner. The present petitioner purchased the property in 1998 from the said erstwhile owner. The application of the petitioner for correction of record of rights made by the predecessor-in-title of the present petitioner i.e., one Haridasi Roy, was dismissed. An order to maintain status quo does not militate against the rights of the private respondents.

learned counsel appearing on behalf of the State relies on the report and submits that the police have already taken steps in this regard by initiating a proceeding under Section 107 of the Code.

It appears that a Civil suit is pending in connection with the property.

It does not appear that the BL & LRO had decided in respect of the disputed portion of the land in favour of the petitioner.

Be that as it may, the police shall keep a strict 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.)