

19 21.09.2023
NB Ct. 14

WPA 20668 of 2023

Prabhat Roy & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Soumik Ganguli,
Mr. Dilip Kumar Sadhu,
Ms. Chandana Chakraborty.
...for the petitioners.

Mr. Wasim Ahmed,
Md. Shehaboddin.
...for the State.

Mr. Biswajit Hazra,
Mr. Archisman Sain.
...for the respondent no.5.

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 have purchased 80 decimals out of 1.30 decimals of land at LR Plot No.8385, J.L. No.119, Mouza-Sanko, Block-Galsi-II by virtue of two registered sale deeds dated 08.05.1995. Mutation has been done in this regard. They are cultivating the said land. But, the private respondent is now disturbing the peaceful possession of the petitioners' property and is preventing them from harvesting the crops. This was brought to the notice of the local police authority, but no steps were taken.

Learned counsel appearing on behalf of the private respondent submits as follows. The allegations made in the

writ petition are denied. The private respondent is a co-sharer in the property having 0.46 decimals of land. The petitioners are trying to grab the entire property. They are preventing the petitioners from cultivating the latter's portion of the land.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. Police have already filed a report in connection with a proceeding under Section 144 of the Code. They are keeping a close watch on the developments in the locality.

It appears that a civil dispute exists between the private parties.

Let the private parties cultivate their own land and not try to encroach upon each other's. If any further relief is sought by any of the parties in respect of such land, they shall be at liberty to approach the civil Court.

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

However, the police authorities 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 may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)

