

September 25, 2023
AD 30
Court No.14
SG

WPA 21157 of 2023

Anima Mondal and another
vs
State of West Bengal and others

Mr. Uday Sankar Chattopadhyay
Mr. Santanu Maji
... for the petitioners
Mr. Amal Kumar Sen
Mr. Lal Mohan Basu
... for the State
Mr. Sandipan Maity
... for the respondent No.11
Mr. Arnab Sinha
Mr. Amartya Bas
... for the respondent Nos.12-14

Affidavit of service filed in Court is taken on record.

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

Learned advocate appearing for the petitioners submits as follows. The petitioners are in permissive possession of the property in question for the last 40 years. They have been paying necessary taxes. The erstwhile owner of the said property has died without any heir. Now, the local property-developer along with some local goons are trying to grab the property. They have forged a deed and have ousted the petitioners forcibly from the property in question.

Learned advocate for the State submits that a specific FIR has already been lodged on the complaint made by the petitioners.

Learned counsel for the respondent Nos.11-13 submits as follows. The allegations made in the writ petition are denied. The respondent No.13 had

purchased the property from the heir and descendant of the original owner. The respondent Nos.11 and 12 acted as the brokers. The respondents are not disturbing peaceful possession of the petitioners. But, they have a right to have the petitioners evicted.

Learned counsel for respondent No.5 submits that he had only identified the vendor.

The petitioners claim that they had been in permissive possession of the property for the last 40 years.

If the petitioners are in possession, they cannot be evicted except without due process of law.

If the private respondents have any claim in the property, they shall be at liberty to approach the Court for appropriate relief.

The police shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

Let the investigation of the case registered by the police authorities being KLS PS Case No.113 dated 31.08.2023 be concluded expeditiously and in accordance with law.

With these observations, the writ petition is disposed of.

Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

[Jay Sengupta, J.]

