

192 16.10.2023  
NB Ct. 14

**WPA 23068 of 2023**

Manik Bhowmik & Anr.  
Vs.  
The State of West Bengal & Ors.

Mr. Sudipto Panda,  
Mr. Subrata Ghosh.  
...for the petitioners.

Mr. Priyankar Saha,  
Mr. Rudrajit Sarkar.  
...for the State.

Ms. Nure Zaman.  
...for the respondent nos.4-9, 11-14.

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 the property in question in 2022. Their names are mutated in the records. They are very much in possession of the property. The private respondents are rank outsiders who want to grab the property on some pretext or the other. They were found carrying on "Hari Basor Sankirtan", within a portion of the property. They had, in fact, build a temporary tin shed. When there were asked to remove their things, they refused to do so. The petitioners want to put a boundary to their land. The petitioners approached the police authorities who have taken no steps.

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

writ petition are denied. The petitioners have used forged documents to claim that they have purchased the property. They are not even citizens of India. They are, in fact, Bangladeshi citizens. The petitioners are in possession of forged Aadhar cards. In fact, it is the private respondents who are in possession of the property in question.

Learned counsel appearing on behalf of the State submits as follows. On the complaint of the petitioners, an enquiry was done and a proceeding was initiated under Section 107 of the Code. The land was found recorded in the name of the petitioners. In fact, the scheduled land is also in possession of the said petitioners.

From the local enquiry by the police, it appears that not only the land is recorded in the name of the petitioners, but the possession is also with them.

Therefore, by committing trespass and conducting “Hari Basor Sankirtan”, one does not establish any right on the property.

However, the private respondents shall be at liberty to seek appropriate relief in relation to the property in question before a competent Civil Court.

Mischievous acts to disturb the possession of a property by an owner should not be encouraged.

In view of the same, let the police authorities keep a sharp vigil at the locale, ensure that no breach of peace takes place and see to it that no order of a Civil Court is violated.

In the event any untoward incident occurs or is apprehended by the petitioners, they shall be at liberty to call

up the Officer-in-Charge of the Purbasthali Police Station who shall then act in accordance with law.

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.)**