

40 24.11.2023
NB Ct. 14

WPA 23100 of 2023

Samaul Molla
Vs.
The State of West Bengal & Ors.

Mr. Partha Sarathi Bhattacharyya Sr. Adv.,
Md. Moniruzzaman,
Sk. Nasib Ali.
...for the petitioner.

Mr. Ansar Mandal Id. AGP,
Md. Iddrish,
Mr. Ashis Dutta.
...for the State.

Mr. Supratick Shyamal.
...for the respondent nos.9 to 11.

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 the owner of the land in question. After purchasing of the same, the name of the petitioner has also been recorded in the Record of Rights. He has even taken permission from the Panchayat to construct a boundary wall. The private respondents are rank outsiders who are creating disturbances and are preventing the petitioner from doing such construction work. They have even assaulted the present petitioner. The petitioner was constrained to report these to the police authorities, but no effective steps were taken.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations made in the writ petition are denied. Actually the private respondents are the owners of the land in question. In fact, there is a civil suit pending. The petitioners are the only alleged subsequent purchasers of the property.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. On the complaint of the petitioner, an FIR was registered. In fact, a charge sheet has also been submitted with the said case.

If any of the parties want to establish any further right in respect of the said property, the same has to be done before the competent civil Court.

However, the petitioner has not only had his name recorded in the Record of Rights, but has also obtained the permission from the Panchayat to construct a boundary wall.

It appears that the Executive Magistrate had also passed a final order in respect of such construction.

In view of the above, 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 Court is violated.

With these observations, the writ petition is disposed of.

Urgent certified copy of this order may be given to the parties expeditiously, if applied for.

(Jay Sengupta, J.)