

WPA 23809 of 2023

Sandipan Bera

-vs-

The State of West Bengal & ors.

Mr. Soumen Datta

Mr. Partha Sarathi Basu

...for the petitioner

Mr. Ansar Mondal

Mr. Md. Idrish

...for the State

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. Another brother of the private respondent no. 4 had sold his share of the property to one Manoj Samanta, who in turn, sold the said property to the petitioner. The petitioner wants to cultivate his land. But the private respondent is disturbing the possession and enjoyment of such property by the petitioner. He is claiming that he is a bargadar in the said land. A favorable order was passed by an Executive Magistrate under Section 144 of the Code. But, the police is not executing the same.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. A field inquiry was done by the concerned BL & LRO through the Revenue Inspector. It was found that the land was being cultivated by

the representative (Saraswati Manna, wife of Basudeb Manna) of bargadar.

This Court cannot decide either the title or possession of the property. If any of the private parties wants to establish any further right in respect of the said property, it has to be done before a competent Civil Court..

So far as the question of maintenance of law and order is concerned, the police shall have to ensure that there is no breach of peace taking place at the suit property. They shall maintain a sharp vigil at the locale for such purpose.

No further order need be passed in this regard.

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.)