

21 14.12.2023
NB Ct. 14

WPA 23863 of 2023

Abu Jafar Baidya & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Sandeepan Maity,
Mr. Sourav Dutta.
...for the petitioners.

Mr. Suman Sengupta Id. Sr. Govt. Adv.,
Mr. Sanatan Panja.
....for the State.

Ms. S. Chakraboaty,
Mr. Intikhab Alam Mina.
..for the respondent nos.4&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 are the owner of the land in question. The private respondents are the rank outsiders having no right, title or interest in the property. Yet, they had been disturbing the possession and enjoyment of the property by the petitioner. On one occasion, they attacked the petitioners with sticks, assaulted them and even molested the female members. Although a complaint was made to the police, no action was taken.

Learned counsel appears on behalf of the respondent nos.4 & 5 submits as follows. The allegations made in the writ petition are denied. In the CS records, the names of the ancestors of the private respondents were recorded. Somehow the petitioners were able to record their names in the RS

records. The private respondents were constrained to approach the BL&LRO. As far back as in 2005, the concerned BL&LRO passed a direction to correct the records to that effect. The same has not been implemented. The BL&LRO is again being approached for such purpose.

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

If any of the parties wants to establish any further right in respect of such property, the same has to be done before a civil Court.

However, the police shall act in accordance with law in respect of the complaints received by either of the parties.

It appears that no FIR has been registered on the earlier complaint made by the petitioners.

Let the respondent authorities abide by the directions given in Lalita Kumari's case, (2014) 2 SCC1 in this regard.

Even otherwise, the police authorities shall maintain 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.

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.)