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Ct 14

WPA 24019 of 2023

Gopal Chandra Halder

-vs-

The State of West Bengal & ors.

Ms. Tanusri Chanda

...for the petitioner

Mr. Indrajit Roy Chowdhury

...for the respondent nos. 5, 6 and 7

Ms. Ipsita Banerjee

Mr. Suddhadev Adak

...for the State respondents

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 property in question and has been cultivating the land for quite some time. His name has been recorded in the record of rights. The private respondents are rank outsiders having no right, title and interest in respect of the property. Yet, they are disturbing the possession and enjoyment of the property by the petitioner. This was brought to the notice of the police but they have not acted.

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 property in question and their names have been recorded in the record of rights. In respect of the application under Section 144 of the Code instituted by the petitioner, the BL & LRO's report has come in favour of the private respondents.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. A civil dispute exists between the private parties.. Both the parties claimed ownership to the property in question, but failed to produce clinching documents. On the complaints of petitioner, a proceeding has been initiated under Section 107 of the Code.

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 the same, it has to be done before a Civil Court.

It also appears that on the complaint of the petitioner, the police have acted by initiating a proceeding under Section 107 of the Code.

There are no admitted facts on which one can proceed to grant the prayer as made in the writ petition.

Therefore, no further order need be passed in this regard.

However, the police authorities shall 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.

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.)