

10.01.2023.
Court No.13
Item No. 58
ap

W.P.A. No. 24983 of 2022

**Md. Hafijul Islam & Ors.
Versus
The State of West Bengal & Ors.**

Mr. Ramdulal Manna,
Ms. Manju Manna (Dey),
Mr. Sayan Mukherjee,
Ms. Mitali Mondal.

... For the petitioners.

Md. Sabir Ahmed,
Mr. Biswajit Sarkar.

...For the respondent nos.6 to 10.

Affidavit-of-service filed in Court today be taken
on record.

The petitioners complain that the private respondents are violating an order of status quo passed by the West Bengal Land Reforms and Tenancy Tribunal on 16th September, 2013 in O.A. No. 1280 of 2011 (LRTT).

Counsel for the private respondents submits that there is a civil suit pending by and between the parties in respect of the land in question.

It is further alleged that certain orders of District Land & Land Reforms Officer, Malda have been forged and there are criminal proceedings pending in that regard against the petitioners.

Counsel for the private respondents further submits that his clients are in possession of the land in question, the petitioners dispute the same.

The petitioners claim that they have purchased the land from the father of the private respondents.

This Court cannot enter into the merits of the rival contentions of the parties since there are civil and statutory proceedings pending both in the Civil Court and the West Bengal Land Reforms and Tenancy Tribunal and they have powers to enforce their orders.

It would be inappropriate for a Writ Court to pass orders on the police, in such circumstances, when there are serious contentions raised by the parties in respect of the civil rights and in the backdrop of the pending proceedings.

With liberty reserved to the parties, the concerned Court and/or the Tribunals where the orders are pending to seek enforcement thereof, the instant writ petition shall stand disposed of.

The Inspector-in-charge, Kaliachak Police Station shall, however, ensure that there is no breach of peace in the area and any order passed by any Tribunal or Civil Court, shall be strictly enforced by the police.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

