

December 18, 2023
AD 111
Ct. No.14
SG

WPA 24454 of 2023

Ashrafun Bibi and others
vs.
State of West Bengal and others

Mr. Maidul Islam Kayal
Md. Ashraful Huq
... for the petitioners

Mr. Moniruzzaman
Ms. Indrani Nandi
... for the State

Mr. Mobaidur Hossain
... for the respondent Nos.8-13

Affidavit of service filed in Court is taken on record.

Report filed by the State is also taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are cultivating the land in question as patta-holders. The private respondents, having no right, title and interest in the property, are disturbing the enjoyment of the property of the petitioners. They have constructed “macha” on the said land. Despite bringing it to the notice of the police authorities no action has been taken.

Learned counsel appearing on behalf of the private respondents denies the allegations and submits as follows. There is a tubewell on the said land which is used by all the villagers in common. They have made a representation to the concerned authorities in this regard.

Learned counsel appearing on behalf of the State relies on the report and submits that the patta land is not

a demarcated one. The petitioners have also filed an application before the executive magistrate under Section 145 of the Code. An inquiry was directed and the matter is pending. The police are keeping a close watch on the developments in the locality.

It appears that the petitioners have already filed an application under Section 145 of the Code and a report has been called for.

Let the petitioners ventilate their grievances before the said forum. The application may be disposed of expeditiously and in accordance with law.

So far as the complaint of the petitioners regarding disturbance by the private respondents, is concerned, the police authorities shall keep a sharp vigil at the locale, ensure that no breach of peace takes place and to see that no order of a court is violated.

The surveillance shall include frequent visits by police patrols.

With these observations, the writ petition is disposed of.

Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

[Jay Sengupta, J.]

