

WPA 26225 of 2023

Arup Sarkar & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Sujit Kumar Rath
Mr. Sukumar Sarkar
Mr. Anirban Saha
...for the petitioners

Mr. Rajarshi Basu
Mr. K.M. Hossain
... for the State

Mr. Samim Ahammed
Ms. Ambiya Khatun
... for the
Private respondents

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
owners of the land in question. They have been
cultivating the land for quite sometime. The private
respondents who are rank outsiders having no right
title or interest in the property have been disturbing
the peaceful possession and enjoyment of the property
by the petitioners for some time. The petitioners were
constrained to approach this Court for protection
during the harvesting time. By an order dated
22.06.2022 passed by this Court in WPA 17405 of

2021, this Court, *inter alia*, granted liberty to pray for appropriate relief. The petitioners thought it prudent to approach the civil Court to have decided by the concerned forum. By an order dated 08.09.2023 passed by the Civil Judge (Junior Division), 2nd Court,, Chinsurah, Hooghly (In-charge) in Title Suit No. 525 of 2023 the defendants were restrained from disturbing the peaceful cultivation or possession of the scheduled property. Harvested crops were looted away. In spite of this order, the private respondents continued to violate the same and disturb the cultivation of the land by the petitioners. This was brought to the notice of the police authorities, but no steps were taken.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. Of late, four different complaints have been made by the petitioners on 12.11.2023, 19.11.2023, 21.11.2023 and 26.11.2023. On all of these complaints specific FIRs were registered and the same are being investigated. The police are keeping a close watch on the developments in the locality.

It appears that the petitioners were granted liberty to pray for police protection for harvesting crops on the land in question. They availed of such relief once. The Civil Court has also granted an interim order in their favour by an interim injunction

restraining the private respondents from disturbing their possession.

In view of this and unless such order passed by the civil Court is set aside, the petitioners would have a right to cultivate the land in question.

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

The civil Court shall not be influenced any observation made by this Court.

It also appears that the police have taken some steps by registering FIRs on the complaints made by the petitioners.

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

Let the investigation shall be concluded expeditiously and in accordance with law.

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.

If any untoward incidents occurs or is apprehended by the petitioners, they shall be at liberty to intimate the local police station, who shall then act in accordance with law.

With these observations, the writ petition is disposed of. The connected application is also stands disposed of.

Since affidavits were not called for, allegations contained in the writ petition are deemed not to have been admitted.

Urgent Photostat certified copy of this order be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J)