

09.07.2024
Ct. No. 14
Sl. No.36
AGM

**In The High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 3908 of 2024

**Najrul Islam Mallick
Vs.
The State of West Bengal & Ors.**

Md. Sarwar Jahan.
Mr. Sayantan Hazra.
Ms. Tapati Sarkar.
... For the petitioner.

Mr. Jayanta Samanta.
Mr. Supriya Majumdar. (VC)
... For the State.

Affidavit-of-service filed today be kept with the records.

The petitioner claims to be the owner of the subject plot of land which he cultivates. Allegation is that the private respondents are obstructing the petitioner in cultivation of the said land. Complaint was lodged before the police but no action is reported to be taken.

Learned advocate representing the State respondents relies upon the instruction forwarded by the Officer-in-Charge, Daspur P.S. signed on 21.02.2024 which mentions that the complaint of the petitioner was enquired and seeing the gravity of the dispute and the chances of serious breach of peace, prosecution under Section 107 CrPC has been submitted against the respondents vide Daspur P.S. NCR No. 98 of 2024 dated 28.01.2024.

The report of the police suggests that there is high possibility of breach of peace if the petitioner starts cultivating the land in question. As the petitioner has claimed ownership of the land in question, the petitioner would be entitled to cultivate the same and the private respondents ought not to interfere with the enjoyment of the said land by the petitioner.

Accordingly, the Officer-in-Charge, Daspur P.S. is directed to keep strict vigil over the locale and ensure that there is no breach of peace at the time of cultivation of the land by the petitioner.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)