

1305 30.04.2024
NB Ct. 14

WPA 7222 of 2024

Amar Das & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Debjit Mukherjee,
Mr. Santanu Barik,
Mr. Mojaffar Sk.
...for the petitioners.

Mr. Amitesh Banerjee Id.SSC.,
Ms. Ipsita Banerjee.
...for the State.
Mr. Sandip Mandal.
...for the respondent nos.4to8.

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 property in question. Their names are recorded in the record of rights. The private respondents have been disturbing the peaceful possession and enjoyment of the property by the petitioners. In fact, they had filed a civil suit being Title Suit 117 of 2019 passed by the Civil Judge (JD), 1st Court, Diamond Harbour, which was dismissed. In spite of that, they continue to disturb the petitioners and prevent them from cultivating the land.

Learned counsel appearing on behalf of the private respondents denies the allegations made in the writ petition and submits as follows. The private respondents are in possession

of the property in question. This will be evident from the report of the BL& LRO, a copy of which is filed in Court and is taken on record. A copy of the same is handed over to the learned counsels for the parties. Although, they have lost the civil suit, they cannot be dispossessed except in accordance with law.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. At this stage, learned counsel for the State points out that the suit filed by the private respondents was for recovery of possession that was dismissed. It shows that the private respondents were not in possession.

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 and not by exercise of brute force.

It appears that the names of the petitioners are recorded in the record of rights.

It also appears that the police have taken steps on the complaints of either side. Proceedings have been initiated under Section 107 of the Code.

Therefore, 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.

As 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 may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)

