

12
12.06.2024
d.p.

**In The High Court At Calcutta
Constitution Writ Jurisdiction
Appellate Side**

W.P.A. 12083 of 2023

**Ranajit Kumar Sinha & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Balai Lal Sahoo,
Mr. Rudranil De.
...For the Petitioners.**

**Sk. Md. Galib,
Ms. Jyotsna Roy Mukherjee.
...For the State.**

**Mr. Avinaba Patra.
...For the Private Respondents.**

The petitioners submit that the private respondents are forcefully entering into the land of the petitioners and making construction thereon.

The petitioners claim to be the members of the Paschim Banga Rajya Bhumijibi Sangha. The petitioner no. 1's membership number is 4236 and he claims to be impleaded as party no. 13695 in an appeal preferred before the Hon'ble Supreme Court of India.

The petitioners rely upon the orders passed by the Hon'ble Supreme Court on 24th November, 2003 and 5th February, 2018 in the matter of Paschimbanga Rajya Bhumijibi Sangha & Anr. -vs- State of West Bengal & Ors. and State of West Bengal & Ors. -vs- Paschimbanga B.K. Samity & Ors. respectively.

In the said order, the Hon'ble Supreme Court clearly recorded that the respondent authorities shall ensure notwithstanding the vesting orders that may be passed and mutation that may be effected in the revenue records, no third party rights should be created and no such third parties be inducted or allowed to enter upon and squat on such properties pending disposal of the appeals.

The Hon'ble Supreme Court directed the respondent authorities to give effect to the said order in letter and spirit.

The petitioners alleged that despite orders passed by the Hon'ble Supreme Court from time to time, the private respondents are trying to encroach upon the land of the petitioners and even though complaint was lodged before the police station, the police is not taking any steps to act in response to the same.

Learned advocate appearing on behalf of the private respondents submits, upon instructions, that after getting knowledge of the order passed by the Hon'ble Supreme Court, the private respondents are not encroaching and not disturbing the possession of the petitioners in any manner whatsoever.

It has been submitted that a case has been registered by the police in furtherance to the complaint lodged by the petitioners and the private respondents have obtained bail from the learned Court below.

Learned advocate appearing on behalf of the State respondents submits, upon instructions, that in response to the complaint filed by the petitioners, English Bazar Police Station Case No. 505/2023 dated

2nd April, 2023 under Sections 188/447/427/506/34 IPC was initiated against the private respondents and investigation of the same was conducted.

On completion of the investigation, charge-sheet being English Bazar Police Station Charge Sheet No. 1611/2023 dated 29th October, 2023 under Sections 188/447/427/506/34 IPC has been submitted.

A prosecution under Section 107 Cr.P.C. to prevent any cognizable offence by the private respondents have also been submitted vide English Bazar PS Non F.I.R. Pr. No. 1347/23 dated 6th May, 2023.

From the submissions made on behalf of the parties and upon perusal of materials on record, it appears that immediate threat that the petitioners were facing regarding dispossession and encroachment of their property is right now taken care of in view of the submission made by the learned advocate representing the private respondents that they will not encroach upon the land of the petitioners and they will not lay any claim to the said land.

The private respondents have also submitted that they would not make any construction over the disputed plot of land.

The police has already filed charge sheet.

Accordingly, the instant writ petition is disposed of by directing the police to ensure that no breach of peace take place at the locale and no damage is caused to the subject property. The orders passed by the

Hon'ble Supreme Court shall be strictly followed by all the respondent authorities.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)