

S/L 28  
30.01.2024  
Court No.14  
SD

WPA 14900 of 2023

Biswanath Ghosh & Ors.  
Vs.  
State of West Bengal & Ors.

*Mr. Rajnil Mukherjee*  
*Mr. Masta Fizur Rahaman*

*...for the Petitioners.*

*Mr. Suman Ghosh*  
*Mr. Soumen Chatterjee*

*...for the State.*

*Mr. Sandip Ghosh*  
*Mr. Partha Sarkar*

*...for the Respondent Nos.6-15.*

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the owners of the property in question. By an order dated 21.12.2018 passed by the learned Civil Judge (Junior Division), 3<sup>rd</sup> Court, Purba Bardhaman in T.S. 33 of 2012, the defendant nos.1 to 5 therein were directed to hand over khas possession of the suit property to the plaintiffs. This was given effect to. However, the relatives of the private respondents started to disturb the peaceful enjoyment of the property by the petitioner. The petitioner was constrained to file a writ petition. By an order dated 8.7.2022 passed by a coordinate Bench in WPA 11047 of 2022, the writ petition was disposed of as the dispute was over and a direction was passed to maintain peace. Incidentally, the police submitted that they had taken action by instituting a proceeding under Section 107 of the Code of Criminal Procedure. Thereafter, the present private respondents had been disturbing the petitioners' possession of the property and trying to grab the

same. This was brought to the notice of the police but no effective step was taken.

Learned counsel appearing on behalf of the private respondents denies the allegations made in the writ petition and submits as follows. The private respondents were informed that the land was vested and they were allowed to cultivate the same. In fact, they are in possession of the land in question.

Learned counsel appearing on behalf of the State relies on the report and submits that on the complaint of the petitioners, actions have been taken by the police authority by instituting a proceeding under Section 107 of the Code in May 2023 and registering an FIR in December 2023 including on the allegation of criminal trespass. Police authorities are keeping a close watch on the developments in the locality.

It appears that the petitioners were granted an order by the civil court by which the defendants therein were asked to hand over the khas possession of the land to the petitioners. Then, concerning certain alleged disturbances created by some others, a favourable order was passed in a writ petition. It is also alleged that the private respondents are now disturbing possession of the petitioners.

On the other hand, the private respondents plainly claim that they are in possession of the same. However, their possession is not substantiated by any document.

It also appears that the police have also taken some steps on the complaint of the petitioners by instituting a

proceeding under Section 107 of the Code and thereafter registering an FIR.

Therefore, in all fairness, the petitioners shall be at liberty to make prayer before the police authorities for grant of police protection in the event any miscreant disturbs their possession of the property or prevents them from cultivating the land. The same shall be considered by the police authorities in accordance with law.

Even otherwise, 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, WPA 14900 of 2023 is disposed of.

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

**(Jay Sengupta, J.)**