

16.07.2024
Item No.44
gd/ssd

MAT/1359/2024
ABUTALEB LASKAR AND ORS.
VS
STATE OF WEST BENGAL AND ORS.
IA NO: CAN/1/2024

Mr. Raghunath Das,
Ms. Monalisa Das
..for the Appellants.

Mr. Amal Kumar Sen,
Mr. Lal Mohan Basu
..for the State.

Mr. Tanmoy Mukherjee,
Ms. Pampa Dey (Dhabal),
Mr. Souvik Das,
Mr. K. Raihan Ahmed,
Mr. Soumava Santra
..for the Respondent No.8.

1. This intra court appeal by the private respondents in WPA 16835 of 2024 is directed against the order dated 02.07.2024.

2. The writ petition was filed seeking police assistance to do pisciculture activities.

3. The learned Single Bench noted that the cases have been registered at the behest of the writ petitioner as well as at the behest of the private respondents and some cases charge-sheet has been laid. The police has been directed to continue the investigation in accordance with law.

4. To that extent the order passed by the learned Single Bench does not call for interference.

But, however, in the last paragraph the following observations have been made:

“The police shall ensure that the petitioner is not obstructed by the private respondents from cultivating or conducting pisciculture over his plots of land being Dag Nos. 3557, 3563, 4144, 4145, 4146 and 4147.”

5. The above direction, in our view, will give unbridled power to the police authorities to interpret orders passed by the civil court or by the revenue authorities.

6. The learned advocate appearing for the writ petitioner would vehemently contend that the name of the private respondent has been struck off by the Block Land and Land Reforms Officer from the revenue records.

7. This issues have to be agitated before the appropriate forum and police is not person who will have the jurisdiction to interpret as to who has to be put in possession or who has to be removed from possession of the plots in question. If a competent court of jurisdiction directs the police to do a particular act or to give police assistance to a plaintiff to evict the defendant, then it is a different matter.

8. Therefore such blanket observation/direction issued by the learned Single Bench has to be set aside and, accordingly, the above paragraph is set aside.

9. However, we make it clear that the writ petitioner will be entitled to work out his remedies in accordance with law as it has been submitted that the records are wholly in his favour.

10. Accordingly, the appeal stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)