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23.09.2024
KC

WPA 20532 of 2024

Bhanu Patra
Vs.
The State of West Bengal & Ors.

Mr. Joy Chakraborty
Mr. Sandip Dinda
Ms. Ipsita Ghosh
Mr. Ranjit Malakar
... for the petitioner.

Mr. Biswabrata Basu Mallick
Ms. Parna Roy Chowdhury
... for the State.

Report filed by the learned advocate for the
State be kept with the record.

Petitioner claims to be the recorded 'bargadar' in
respect of the plots of land. The respondent no. 4 is the
'raiyat' in respect of the said plots of land. It appears that
the petitioner approached the Civil Court by filing Title Suit
No. 61 of 2024 praying for a declaration that the defendants,
who are the private respondents herein, do not have any
manner of possession in respect of the plots in question and to
restrain them from dispossessing the petitioner from the said
plot. Record further reveals that the learned Civil Judge by
an order dated March 18, 2024 passed an ad interim order
restraining the defendants/private respondents herein from

disturbing the plaintiff/petitioner herein from cultivating crops over the schedule mentioned property and the private respondents are further restrained from dispossessing the petitioner without following the law for a limited period. Petitioner submits that ad interim order of injunction was extended from time to time and the same is still in force. He further submits that the petitioner approached the Executive Magistrate, Kakdwip, South 24-Parganas by filing an application under Section 144(2) of the Code of Criminal Procedure being MF Case No. 262 of 2024 praying for implementation of the Civil Court's order. The Executive Magistrate by an order dated June 25, 2024 directed the Officer-in-Charge, Patharpratima Police Station to restrain the Opposite Parties therein as per the direction of the Civil Judge passed in T.S. No. 61 of 2024.

Since the Civil Court is in seisin over the dispute between the private parties qua an immovable property, which is a cultivable land, this Court is not inclined to interfere in this writ petition. The petitioner will be at liberty to approach the Civil Court for implementing the order passed by the Civil Court in accordance with law.

With the above observations and directions, the writ petition stands disposed of.

There shall, however, be no order as to costs.

(Hiranmay Bhattacharyya, J.)