

D/L. 69.
September 26, 2024.
MNS.

WPA No. 22053 of 2024

Sri Tapan Ghosh and others
Vs.
The State of West Bengal and others

Mr. Shyamal Roy

... for the petitioners.

Mr. Asish Kumar Guha,
Mr. Benazir Ahmed

...for the State.

Mr. Apurba Kumar Datta,
Ms. Sreemoyee Mukherjee

...for the respondent nos. 5 to 16.

Affidavit-of-service filed in Court today is taken
on record.

The petitioners claim to be the recorded
absolute owners of Dag Nos. 536 to Dag No. 549, J.
L. No. 72, Khatian No. 216 in Mouza - Kothai under
Anandapur in the District of Paschim Medinipur,
measuring about 2.30 acres of land. The petitioners
allege that the private respondents have no manner
of right, title and interest in respect of the aforesaid
property, but are creating disturbances in the matter
of cultivation which is being carried on by the
petitioners on the aforesaid plots of land.

The learned Advocate appearing for the private
respondents submits that the petitioners are not the
absolute owners of the aforesaid land and the

petitioners are the co-sharers of the private respondents in respect of the aforesaid plots of land.

Whether the petitioners are the absolute owners and/or co-sharers of the immovable property requires adjudication by a trial on evidence. The same cannot be decided by the writ court. However, since the petitioners have lodged a complaint before the Officer-in-Charge, Anandapore Police Station by a letter dated August 8, 2024, the 4th respondent is directed to consider the said complaint and, if the same discloses a cognizable offence, shall take steps in accordance with law. If the said respondent decides against registration of FIR, the reasons thereof are to be communicated to the petitioners within a period of three weeks from the date of receipt of a server copy of this order.

In case the petitioners face any obstruction with regard to the cultivation, it will be open to the petitioners to approach the proper forum for appropriate reliefs in accordance with law.

With the aforesaid observations and directions the writ petition stands disposed of.

There will be no order as to costs.

Photostat certified copy of this order, if applied for, be given to the parties.

(Hiranmay Bhattacharyya, J.)