

WPA 22278 of 2023

Sk. Mansur Ali & Ors.
Vs.
The State of West Bengal & Ors.

Mr. G. C. Baidya.
...for the petitioners.

Mr. Suman Sengupta, Id. SGA,
Mr. Sanatan Panja.
...for the State.

Mr. Subhendu Bandyopadhyay,
Mr. Arindam Mitra.
...for the private respondents.

Learned counsel appearing on behalf of the petitioners submits as follows. There was a civil dispute between the petitioners and the predecessor-in-interest of the private respondents. The issue was decided in favour of the petitioners by the Trial Court. Even the appellate Court passed the order in favour of the petitioners. The private respondents are only the purported purchasers of a portion of such property from such predecessor-in-interest. The issue of mutation remains pending with the BL&LRO. The petitioner had approached the BL&LRO for such purpose. However, there was a deed of exchange entered into between the private parties in the meantime. But, the private respondents forcibly occupied more land than they were entitled to. In violation of the earlier orders, the private respondents are trying to make a construction over the land in question.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. There was a civil dispute pending between the private parties. However, after the Court's order, it appears that the deed of exchange had been entered into. However, the police have filed reports in the proceedings initiated by a private party. The police are keeping a close watch on the developments in the locality.

It appears that a civil dispute was decided in favour of the petitioners. However, after that, a deed of exchange was purportedly entered into. It is alleged that the private respondents thereafter occupied more land that they were entitled to. This again leads a further civil dispute.

If any of the parties wants to establish any further right in respect of the same, it has to be done before a competent civil Court.

However, 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, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)