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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 23517 of 2024

Shri Asto Paul
Vs.
The State of West Bengal & Ors.

Mr. Golam Mastafa,
Mr. Tarasankar Samanta,
Mr. Samirul Sardar
...for the petitioner

Ms. Jhuma Chakraborty, Ld. Sr. Govt. Adv.,
Ms. Aprita Mondal
...for the State

Ms. Juin Dutta Chakraborty
...for the private respondents

Affidavit of service filed today is taken on record.

The petitioner claims to be in possession of plot Nos. 858 and 860 within Mouza-Bagnan, under Police Station-Bagnan, District-Howrah.

The learned Advocate appearing for the petitioner submits that the petitioner along with his family members are in possession of the aforesaid plots and land and are residing thereon after constructing a building in a portion of the said plots of land. The learned Advocate for the petitioner further submits that there is a vacant land adjacent to the building of the petitioner and the private respondents are creating disturbances in the

peaceful possession of the petitioners in respect of the residential property as well as the vacant land.

The learned Advocate appearing for the private respondents submits that the private respondents are also in possession in respect of a portion of the aforesaid plots of land. She submits that the trouble started when the private respondents attempted to raise construction in the vacant portion of the aforesaid plots of land.

The learned Advocate appearing for the petitioner submits that the suit, being Title Suit No. 262 of 2015, filed by the private respondents, has been dismissed for non-prosecution, since during the pendency of the said suit, it transpired that the aforesaid plots of land are vested lands.

The learned Advocate appearing for the State files a report of the Inspector-in-Charge, Bagnan Police Station, dated September 19, 2024, which is taken on record.

Record reveals that the petitioner prayed for long-term lease/settlement of the aforesaid plots of land in his favour before the District Land and Land Reforms Officer, Howrah. It further appears that the Additional District Land and Land Reforms Officer, vide letter dated August 01, 2023 requested the petitioner to submit consent letter regarding willingness/unwillingness for conversion of the prayer from leasehold to freehold by payment of

fees as determined by the Government on current market rates.

The learned Advocates for the petitioner and the private respondents uniformly submit that their respective clients have submitted the consent letter to such effect before the competent authority.

It appears that the property in respect of which there are inter se disputes between the petitioner and the private respondents is a vested land. The writ court cannot decide the issue as to possession of the private parties with regard to an immovable property.

The learned Advocate appearing for the petitioner submits that in spite of the fact that the petitioner lodged a complaint before the Inspector-in-Charge, Bagnan Police Station by letters dated September 08, 2024 and September 10, 2024, no steps have been taken by the police authorities.

It appears from the report submitted by the Inspector-in-Charge, Bagnan Police Station that pursuant to the complaint lodged by the petitioner a First Information Report has been registered, being Bagnan P.S. Case No. 513/24 and the investigation is in progress. It appears that the police authorities have taken steps in terms of the complaint lodged by the petitioner.

The Officer-in-Charge, Bagnan Police Station, is directed to ensure that no breach of peace takes place at the locale.

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

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

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance of necessary formalities.

(Hiranmay Bhattacharyya, J.)