

Sl.No.
71 05.11.2024
Court
No. 35
G.S.Das

WPA 24186 of 2024

Tanushree Sarkar & Anr.
-Vs-
The State of West Bengal & Ors.

Mr. Sanjib Seth
... for the petitioners

Mr. Suman Sengupta
Ms. Rupsha Chakraborty
... for the State-respondents

Affidavit-of-service so field be kept
with the record.

The petitioners are aggrieved by
the fact that they have title to a property
but are being resisted by the private
respondents, when they are engaging
labour(s) for cultivation. As such, the
petitioners are suffering from exercising
and enjoying their rights in respect of the
property.

Learned advocate for the
petitioners submit that the petitioners and

their family members were assaulted and abused at the behest of the private respondents.

To that effect, they lodged a complaint before the Inspector-in-charge of Karimpur P.S. but, till date, no step has been taken by the police authorities.

As none appears on behalf of the State, Mr. Suman Sengupta and Ms. Rupsha Chakraborty, learned advocates, who ordinarily appears on behalf of the State, are directed to represent the State. Their appearances may be regularized by the concerned authority.

I have considered the submissions advanced on behalf of the learned advocates for the petitioners and, on an assessment of the same, I am of the view that so far as the title relating to the property and rights to enjoy the said property are concerned, the petitioners

would be at liberty to approach the learned jurisdictional civil court which would decide any right of the petitioners for the purpose of cultivation of the land in issue.

So far as the issue relating to the petitioners being assaulted and abused, the petitioners would be at liberty to approach the jurisdictional criminal court under Section 175 and/or Section 223 of the BNSS.

Both the learned Civil Court and/or the Criminal Court would act in accordance with law and ensure that if any right accrues to the petitioners, they should not be deprived of the same.

With the aforesaid observations, WPA 24186 of 2024 is **Disposed of**.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court,

Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)