

02.01.2024
rc/ct.no.14
Item No.27

WPA No. 24144 of 2023
Tapan Naskar alias Tapan Chandra Naskar
Versus
The State of West Bengal & Ors.

Mr. Balaram Patra	
Mr. Suvadip Bhattacharjee	
Mr. Subrata Mandal	
Mr. Sujit Kumar Srimani	...for the petitioner
Mr. Jayanta Samanta	
Mr. Sabyasachi Mondal	...for the State

Affidavit of service filed by the petitioner is taken on record.

It appears that the private respondents refused to accept service.

Report filed on behalf of the State respondents is taken on record. A copy of the same is handed over to the learned counsel for the petitioner in Court.

Learned counsel for the petitioner submits as follows. The petitioner is the owner of the property in question. He carries on cultivation and pisciculture in the said property. The private respondents are the rank outsiders having political connections who had been disturbing the possession and enjoyment of the property by the petitioner. Although the petitioner has cultivated the land, the private respondents are trying to reap the harvest. The petitioner was constrained to approach the learned Magistrate under Section 144 of the Code of Criminal Procedure and order was passed directing the

Block Land and Land Reforms Officer to find out who was the owner of the property in question. An order was also passed to maintain peace.

Learned counsel for the State denies any police inaction and submits that the police have acted on the complains made by the petitioner. They have initiated proceedings under Section 107 of the Code of Criminal Procedure and a First Information Report was also registered being Canning P.S. Case No. 655/23 dated October 07, 2023. However, this is a case where both the parties were claiming ownership of the property.

It appears that the learned Magistrate has already directed maintenance of the peace in the area and asked the Block Land and Land Reforms Officer to report as to who was the owner of the property in question.

Either of the parties shall be at liberty to produce all relevant documents before the concerned Block Land and Land Reforms Officer in support of their claim to the property.

No further order need be passed in this regard at this stage.

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 the above observations and directions this writ petition is disposed of.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Jay Sengupta,J)