

W.P.A. 24516 of 2023

**Sarjan Mondal & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Soumik Ganguli,
Ms. Chandana Chakraborty.
... for the petitioners**

**Mr. Samiran Mondal,
Mr. Abhinaba Dan,
Ms. Ankita Mukherjee.
... for the private respondent
nos. 5, 6 & 8**

**Mr. Suman Sengupta,
Mr. N. Banerjee,
Ms. Amrita Panja Moulick,
Mr. Debangshu Dinia.
... for the State**

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners have inherited from their ancestors the property in question being a pond. They are enjoying the property, doing pisciculture in the said pond and like. The private respondents who are rank outsiders having no title in the property are trying to dispossess the petitioner and are disturbing the possession and enjoyment of the property by the petitioner. This was brought to the notice by the police authorities, but no steps were taken.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations made in the writ petition are denied. The property in question was actually vested in the State as would be evident from the

subsequent records. The petitioners does not have any right to possess and enjoy the property.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The property in question was vested in the State. However, both the private parties have been trying to grab the property in question. Accordingly, a proceeding was initiated under Section 107 of the Code.

It appears that the petitioners have relied on C.S. records to claim that the property belonged to their ancestors. It is the case of the State as well as the private respondents that in the meantime the property vested in the State as would be evident from the subsequent L.R. records.

It does not appear that the private respondents have any right in the said property.

Be that as it may, no one has the right to take law into their own hands and try to dispossess the other. If any of the parties is to establish any further in respect of the property, the same has to be done before a Civil Court.

However, the police authorities shall keep a vigil at the locale, ensure that no breach of peace takes place and ensure that no order of a Civil Court is violated.

No further order needs to be passed in this regard.

With these observations, the writ petition is disposed of.

All parties are directed to act on a server copy of this order, duly downloaded from the official website of this Hon'ble Court.

(Jay Sengupta, J.)