

S/L 57
22.01.2024
Court No.14
SD

WPA 25186 of 2023

Sk. Hapijuddin
Vs.
The State of West Bengal & Ors.

Sk. Toslim Ali

...for the Petitioner.

Mr. Suman Sengupta
Ms. Amrita Panja Moulick

...for the State.

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

Despite service, none appears on behalf of the private respondents.

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner and his family have been using the land in question for burying the dead. In fact, it is a burial ground. However, the private respondents are now trying to make an illegal construction on the said land.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. Once the land belonged to Maharam Committee. The Maharam Committee deputed one Sk. Ajimuddin, the father of the petitioner as Motowali and gave him 0.02 decimal of land attached to the said Idga. Later on the said land was used as burial place for the family of the petitioner. The Maharam Committee has now proposed before the petitioner to return the land for

their use. However, on the complaint of the petitioner, a proceeding under Section 107 of the Code of Criminal Procedure has already been instituted.

It appears that a land dispute exists between the petitioner and the private respondents. If any of the private respondents wants to establish any further right in respect of the said land, the same has to be done before a Civil Court.

It also appears that police has taken steps by initiating a proceeding under Section 107 of the Code.

Therefore, no further order need to be passed in this regard.

However, the police authorities shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

With these observations, WPA 25186 of 2023 is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)