

January 30, 2024
AD 90
Ct. No.14
SG

WPA 25499 of 2023

Arab Ali Gazi @ Ayub Ali Gazi
vs.
The State of West Bengal and others

Mr. Sandip Ghosh
... for the petitioner.

Mr. Jayanta Samanta
Mr. Debangshu Dinda
... for the State.

Affidavit of service filed in Court is taken on record.

Despite service no one appears on behalf of the private respondents.

Report filed by the State is also taken on record.

Learned advocate for the petitioner submits as follows. The petitioner is a bargadar in respect of the land in question. The private respondent No.6 is the owner of the land and the others are the local miscreants who at his behest had been creating disturbance in the petitioner's enjoyment of such property as bargadar. The respondent No.6 filed a title suit, but withdrew it in 2016. In the subsequent suit filed by the respondent No.6, interim order of injunction was refused. After failing to obtain any order from the civil court, the private respondents started to create disturbance in the area and indulged in committing criminal acts to deter the petitioner from enjoying the property, especially from cultivating the land. Complaints were made before the police, but not much was done. In 2022, a complaint was

made. An FIR was registered in 2023. The private respondents are continuing to cause such disturbance without any counter from the police authorities.

Learned advocate for the State relies on the report and submits that the petitioner is a recorded bargadar of a piece of land which was issued by the State on 05.03.1984 upon issuing Barga Praman Patra being No.51/036536. The petitioner cultivated the said land, but gave shares only on a few occasions. That is why a dispute cropped up. From both sides, complaints were lodged and action was taken by the police authorities. A specific case has been started against the private respondents being Hasnabad PS Case No.531/16 and a charge-sheet has also been submitted.

A duty is cast to protect the right of a bargadar subject to his providing relevant share in crops to the landlord.

At this stage, learned advocate for the petitioner submits that the petitioner would pay necessary share if he is permitted to cultivate the land.

Upon such undertaking, the petitioner may be granted police help for cultivating the said land on which he has a right as a bargadar upon his payment of necessary charges for putting a police picket. Representation in this regard, if made, shall be considered expeditiously and in accordance with law.

With these observations, the writ petition is disposed of.

As affidavits were not called for, the allegations made are deemed not to have been admitted.

Urgent certified copies of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

Parties shall act on a server copy downloaded from the official website of this Court.

[Jay Sengupta, J.]