

January 31, 2024
AD 73
Ct. No.14
SG

WPA 25559 of 2023

Bapi Sardar
vs.
The State of West Bengal and others

Mr. S. Bhattacharjee
... for the petitioner.

Mr. K.J. Yusuf
Mr. Parikshit Goswami
... 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. A copy of the same is handed over to learned advocate for the petitioner.

Learned advocate for the petitioner submits as follows. The petitioner is the owner of the land in question. The private respondents are rank outsiders who are disturbing the enjoyment of the property by the petitioner. They are preventing the petitioner for cultivating the land and reaping the crops.

Learned advocate for the State relies on the report and submits that there is a longstanding land dispute between the private parties. Inquiry revealed that before 2015 the petitioner was cultivating the land but now the private respondents are doing so. In fact, this year the private respondents had cultivated the land but the

petitioner is demanding to harvest the land. However, on the complaint of the petitioner, a proceeding has been initiated under Section 107 of the Code.

It appears that there is a land dispute existing between the private parties. If any of the parties wants to establish any further right in respect of the property, the same has to be done before a civil court.

It also appears that the police authorities have taken steps in respect of the petitioner's complaint by initiating a proceeding under Section 107 of the Code.

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

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

With these observations, the writ petition is disposed of.

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

[Jay Sengupta, J.]