

February 9, 2024
AD 112
Ct. No.14
SG

WPA 25951 of 2023

Rabindra Nath Prodhan and others
vs
State of West Bengal and others

Ms. Tanusri Chanda
... for the petitioners

Mr. Santanu Kumar Mitra
Mr. Amartya Pal
... for the State

Report filed by the State is taken on record.

Learned advocate for the petitioners submits as follows. The petitioners' land got erroneously vested. The petitioners challenged the same before the Court of law. By an order dated 23.04.2004 in WPLRT 1252 of 2001, the Division Bench of this Court directed the Revenue Officer concerned to initiate a proceeding under Section 49(2) of the WBLR Act, 1955 and to arrange for annulment of the settlement and also to restore back possession of the land in question to Sabitribala Maity. An appeal was preferred by the State before the Hon'ble the Supreme Court, which was dismissed on 20.01.2011. Thereafter by an order dated 23.11.2022 the Block Land & Land Reforms Officer, Keshiary, Paschim Medinipur corrected the records in terms of the order passed by the High Court. Thereafter the petitioners found that there were some others who are in possession of the land in question. They prayed to the police to remove the encroachers, but no steps have been taken.

Learned advocate for the State relies on the report and submits as follows. The dispute is civil in nature as it concerns possession of land. There is no cognizable and non-cognizable incident reported. Therefore, this cannot be treated as a matter of concerning police inaction.

It appears that the Division Bench of this Court had directed the concerned Revenue Officer not only to correct the records but also to give back possession to the petitioners.

The petitioners shall be at liberty to approach the concerned Revenue Officer for appropriate relief. They cannot go directly to pray for such relief before the police officials concerned.

No case of police inaction is made out.

I find no merit in this application.

Accordingly, the writ petition is dismissed, but without any order as to costs.

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

[Jay Sengupta, J.]