

95 05.02.2024
NB Ct. 14

WPA 25976 of 2023

Mastafapur Gramyudyog Samiti & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Amitava Ghosh,
Ms. Arpita Dhar.
...for the petitioners.

Mr. Suman Ghosh.
...for the State.

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

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

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners got the lease of a water body from the Panchayat in a bidding process. A suit was filed by a third party challenging the same, but the same was decreed in the petitioners' favour. Now the Gram Panchayat Pradhan and some other persons are restraining the petitioners from participating in the next bidding process which is to take place. They are stopping the petitioners from continuing with pisciculture. This was brought to the notice of the police, but no help was rendered.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. There was no question of stopping the petitioners from participating in the bidding process now because the date for bidding has not even been fixed.

However, on the complaint of the petitioner, proceedings have been initiated under Section 107 of the Code of Criminal Procedure. The police are keeping a close watch on the developments in the locality.

It is true that during the tenure of the lease, the petitioners cannot be obstructed from carrying out the pisciculture.

The private respondents also cannot prevent the petitioners from taking part in the bidding process that is to take place in respect of the water body. However that date has not even been fixed yet.

It appears that the police authorities have taken steps on the complaint of the petitioners by initiating a proceeding 107 of the Code.

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

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

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)