

WPA 26298 of 2023

Lakshan Chandra Mondal & anr.

-vs-

The State of West Bengal & ors.

Mr. Mukteswar Maity

Ms. Manika Sarkar

...for the petitioners

Mr. Biswabrata Basu Mallick

Mr. Tamal Taru Panda

...for the State

Mr. Pinaki Dhole

Mr. Md. Ziaur Rahman

Mr. Rabindra Kumar Pathak

...for the respondent nos. 8, 16 & 19

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

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the owners of the land in question. But, the private respondents have been disturbing peaceful possession and enjoyment of the land. The petitioners would cultivate their land, but the crops when ready for harvest would be taken by the others. The private respondents are threatening and intimidating the petitioners in order to take away the harvested crops. Earlier, the petitioners were compelled to approach this Court with their grievances in WPA 11852 of 2023. By an order dated 26.06.2023, a Co-ordinate Bench of this Court recorded that the petitioners were entitled to police protection at their own costs. If the private respondents had any claim on the petitioners' land or disputed the petitioners'

right, they would be at liberty to institute proceedings in accordance with law.

Learned counsel appearing on behalf of the private respondent nos. 8, 16 and 19 submits as follows. A number of private respondents have already passed away, although at present there are no documents to substantiate the same. The petitioners are not in possession of the land in question. In fact, in the earlier writ proceeding, the private respondents were not represented. Pursuant to an order dated 26.06.2023 passed by this Court, the private respondents have filed a partition suit, which is pending.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The police are keeping a close watch on the developments in the locality, especially pursuant to the earlier orders passed by this Court. However, no force is required to properly man the area. On complaints of both the sides, proceedings have been initiated including registration of FIRs. However, whenever the petitioners had tried to take possession over the property in question, they have been prevented from doing so. As of now, the BL & LRO does not support the petitioners' claims.

The writ petition appears to involve disputed question of facts as to who is in possession of the land in question. Already, there is a civil suit initiated by one of the 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.

However, the police 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 be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)