

S/L 54
22.4.2024
Court No.14
SD

WPA 26165 of 2023

Jalaluddin Sk.
Vs.
The State of West Bengal & Ors.

Mr. Nikhil Kr. Gupta

...for the Petitioner.

Mr. Ansar Mondal
Mr. Asish Dutta

...for the State.

Mr. Dhananjay Banerjee
Mr. Jisan Iqbal Hossain

...for the Respondent Nos.5-9.

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

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the absolute owner of the property in question. He has relied on a deed of sale in this regard. The private respondents are rank outsiders who are preventing the petitioner from cultivating the land.

Learned counsel appearing on behalf of the private respondents denies the allegations and submits that the private respondents are also the owners of the land in question and it is the petitioner who is trying to prevent the private respondents illegally from cultivating the land.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. On the allegations of the private parties, steps have been taken. At the petitioner's behest, a proceeding was initiated under Section 107 of the Code. The dispute is otherwise civil in

nature. The record of rights shows that there are several owners of the land in question. Report has been sought from the B.L.&L.R.O. in this regard.

It appears that a civil dispute exists between the private parties.

If any of the parties wants to establish their right in respect of the said property, the same has to be done before a civil court.

However, if a criminal offence takes place, the police shall be at liberty to take necessary steps.

It appears that police have, in fact, taken steps by initiating a proceeding under Section 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 and ensure that no breach of peace takes place.

With these observations, WPA 26165 of 2023 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.)