

S/L 123
08.02.2024
Court No.14
SD

WPA 26320 of 2023

Ektiyar Rahaman & Ors.
Vs.
The State of West Bengal & Ors.

Sk. Saifuddin
Mr. Sandipan Maity

...for the Petitioners.

Mr. Asish Kumar Guha
Mr. Rajendra Chakravarti

...for the State.

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

Despite service no one appears on behalf of the private respondent.

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' father was the original owner of the property in question. There was an order of vesting passed in respect of such land. The same was challenged and a favourable order was obtained. After that the petitioners' names were recorded in the records of right as the legal heirs. The private respondents are rank outsiders who are trying to grab the said property. They are keeping building materials on the petitioners' property in order to make an illegal construction thereon. The matter was brought to the notice of the police authorities, but no steps were taken.

Learned counsel appearing on behalf of the State submits as follows. On the complaint of the petitioner a proceeding has been initiated under Section 107 of the Code of Criminal Procedure. However, enquiry did not reveal any other criminal activity like criminal trespass, looting or outrage of modesty.

It appears that the petitioners' names were recorded in the records as the heirs of the original owner.

If any of the private parties wants to establish any further right in respect of the said property, the same has to be done before a civil court. But, the existing rights cannot be altered by using brute force.

However, it also appears that the police authorities have taken steps by initiating a proceeding under Section 107 of the Code.

Therefore, no further order passed in this regard.

In the event any untoward incident occurs or is apprehended by the petitioners, they shall be at liberty to approach the local Police Station who shall then act in accordance with law.

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

With these observations, WPA 26320 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.)