

WPA 26434 of 2023

Rafikuddin Laskar
-vs-
The State of West Bengal & ors.

Mr. Gouranga Kr. Das
Ms. Poulami Dutta
...for the petitioner

Mr. Amitesh Banerjee
Mr. Tarak Karan
...for the State

Mr. Debashis Banerjee
Mr. Kartick Kumar Roy
Mr. Rakesh Jana
...for the private respondent

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner purchased the landed property in question and got his name mutated in the records. The private respondents are rank outsiders. However, they challenged the mutation before the concerned authority and lost. Even their appeal was dismissed on 25.03.2022. Yet, they are continuing to disturb the petitioner and prevent him from catching fish from the water body.

Learned counsel appearing on behalf of the private respondent denies the allegations and submits as follows. The property actually belongs to the private respondents. Somehow, the petitioner was able to get the name in the

record of rights. This has been challenged by the private respondents. They have already challenged the appellate order dated 25.03.2022 before the Tribunal. They are in possession of the property.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. There is a long standing dispute between the private parties over the property in question. On the complaint of the petitioner, a proceeding was initiated under Section 107 of the Code of Criminal Procedure.

It appears that a dispute exists between the private parties. However, at this stage, it is the petitioner who has got his name recorded in the records of rights.

If any of the parties wants to establish any further right in respect of the property, the same has to be done before the Civil Court and not by exercise of brute force.

However, the police have taken steps by initiating a proceeding under Section 107 of the Code at the behest of the petitioner.

Therefore, let 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 Court is violated.

With these observations, the writ petition is disposed of.

Since affidavits were not called for, allegations are deemed not to have been admitted.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)