

33 25.04.2024
NB Ct. 14

WPA 26551 of 2023

Ismetara Molla
Vs.
The State of West Bengal & Ors.

Mr. Gorachand Samanta.
...for the petitioner.

Mr. Ansar Mondal, Id.AGP,
Ms. Iti Dutta.
...for the State.

Mr. Dilip Kr. Ghoshal.
...for the respondent nos.4&5.

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 owner of the property in question. He cultivates the land. The private respondents come and take away the crops. Complaints were lodged before the police and FIRs were registered in this connection. Crops were seized by the police. The petitioner filed a civil suit and an interim order of injunction was passed restraining the defendants from disturbing the possession of the petitioner.

Learned counsel appearing on behalf of the private respondents denies the allegations and submits as follows. In the year, 1993, the mother of the petitioner had purchased the property in question from the husband of the petitioner. The private respondents have been in possession of the same since

long. A civil suit is pending in this regard that was filed by the private respondents. An interim order of injunction was passed restraining the defendants therein from disturbing the possession of the petitioner.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. There is a civil dispute pending between the private parties. Civil suits have been filed by both sides and interim injunctions were obtained. The police have also registered FIRs on the allegations levelled by the petitioner. As per the report of the BL & LRO, Canning-II, the whole land of 01acre 22 decimals under Dag No.2432 does not belong to the petitioner and she is the owner of only 25 decimals of land and the total area of the land is undivided.

It appears that civil suits are pending between the private 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 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.)

