

06 14.05.2024
NB Ct. 14

WPA 26602 of 2023

Bhanu Bala Bar & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Mrinal Kanti Ghosh,
Mr. Chandra Nath Sarkar.
...for the petitioners.

Mr. Amal Kr. Sen Id.AGP.,
Ms. Ashima Das (Sil).
...for the State.

Mr. Sukanta Chakraborty,
Mr. Anindya Halder.
...for the respondent nos.4 to8.

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. The private respondents have been disturbing their ownership and possession. The petitioners filed a civil suit in which a decree was passed in their favour. This went up to the Hon'ble Apex Court. The plot in question is actually a 'bill' or a 'pond' where the petitioners are running pisciculture. The private respondents are trying to prevent them from doing so. Subsequently, some of the private respondents filed civil suits in respect of other plots as also in respect of the suit property in question. Orders of status quo have been passed. By misusing this order, the private respondents are now trying to take advantage in the present case. The petitioners had earlier approached this Court for similar reliefs earlier. By an order dated 31.08.2023 passed in *WPA 18617 of 2023*, an order was passed directing the police to keep a vigil and see that no order

of a civil Court is violated. However, the civil Court's order is being violated and the police are doing nothing.

Learned counsel appearing on behalf of the private respondents denies the allegations and submits as follows. One of the private respondents is pursuing relief in a civil Court. However, none of the private respondents have done anything to prevent the petitioners from conducting their activities on their plots of land or pond.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. It appears that there is a civil dispute pending between the private parties. However, a civil Court had passed a final order, which was taken up to the Hon'ble Supreme Court and decided there. On the complaint of the petitioners, police have already taken steps. A proceeding under Section 107 of the Code was initiated.

Heard the learned counsels for the parties and perused the writ petition, the report of the State and the written notes of submissions.

So far as the allegation of the police inaction is concerned, the police have already taken some steps regarding the complaint filed by the petitioners.

It appears that the petitioners succeeded in an earlier civil Court suit pertaining to the plots of land in question. The order was confirmed upto the Hon'ble Apex Court. After this, the records of rights were corrected. In spite of this, some of the private respondents have filed another civil suit in respect of the same plots and an order of status quo has been granted.

The petitioners shall be at liberty to take appropriate steps before the concerned civil Court in this regard.

Fortunately, the private respondents have submitted that they are not disturbing the petitioners in conducting pisciculture in the said plots in terms of the order passed earlier by the civil Court and affirmed up to the Hon'ble Supreme Court.

The police authorities are again reminded of their duty to see that no order of the civil Court is violated. The police shall also abide by the directions passed by this Court on 31.08.2023.

With these observations, the writ petition is disposed of.

Parties shall act on a server copy downloaded from the official website of this Court.

(Jay Sengupta, J.)