

07.05.2024
Sl. No.23
g.b.
Court No.14

W.P.A. 26722 of 2023

Sajema Bibi & Anr.
-Vs-
The State of West Bengal & Ors.

Md. Golam Nure Imrohi
Mr. Arundhuti Barai
... for the petitioners

Mr. Suman Ghosh
Ms. Munmun Tewary
.....For the State

Mr. Tapodip Gupta
Mr. Suman Bhanja
.....For the Respondent Nos.13,14

and 16

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 possession of such property. They are preventing the petitioners from cultivating the land. Partition suit has been filed by the petitioners and an order of status quo has been passed by the civil court.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. Enquiry revealed that the land in question is recorded in the names of respondent nos.13, 14 and 16. On some occasions the petitioners tried to forcibly occupy the same. They even assaulted the private respondents. Two criminal cases were started against the petitioners and charge sheets were submitted. However, on the allegations of the petitioners, proceedings have been initiated under Section 107 of the Code.

Learned counsel appearing on behalf of the respondent nos. 13, 14 and 16 denies the allegations and submits that the land is recorded in the name of the private respondents as patta holders.

It appears that a civil dispute is pending between the private parties. A partition suit was filed and an interim order of injunction of status quo was passed by the civil court. 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 use of brute force.

However, the enquiry by the State reveals that the land is recorded in the name of the respondent nos. 13, 14 and 16 and according to the State, on few occasions the petitioners tried to forcibly occupy the land and assault the people present there. Two charge sheets were submitted against them.

The police have also entertained the petitioners' complaint and initiated the proceeding under Section 107 of the Code.

Therefore, no further order need be passed in this regard.

However, the police authority 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.

Since no affidavits have been called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)

