

29 30.04.2024
NB Ct. 14

WPA 26770 of 2023

Sekh Rasid & Ors.
Vs.
The State of West Bengal & Ors.

Md. T. Hossain.
...for the petitioners.

Mr. Rajarshi Basu,
Mr. Ananda Dulal Sarkar.
...for the State.

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

It does not appear that the private respondents could be served with notice.

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 are the patta holders and are in possession of the land for quite some time. They have been cultivating the said land. However, the private respondents who are rank outsiders have been disturbing the possession and enjoyment of the property by the petitioners. This has been brought to the notice of the police authorities, but no effective steps have been taken.

Learned counsel appearing on behalf of the State relies on the report, denies any allegation of police inaction and submits as follows. The report reveals that the petitioners produced patta documents in their favour before the police

authorities. They had been cultivating the land for some time. In 2023, the private respondents resisted the petitioners from harvesting amon paddy and threatened them. Over this incident, the petitioners lodged a complaint, Egra PS Case No.863 dated 30.11.2023 was registered. After completion of investigation, a charge sheet was submitted under Sections 143, 188, 379 and 506 of the Penal Code.

There is a civil dispute existing and 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 and not by exercise of brute force.

It also appears that the petitioners were able to show their patta documents before the police authorities. When they made a complaint about the disturbance by the private respondents, a specific FIR was registered and a charge sheet was submitted.

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

With these observations, the writ petition is disposed of.

As affidavits were not called for, allegations contained in the writ petition are deemed not to have been admitted.

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

(Jay Sengupta, J.)