

Court No. 14

10.06.2024

(A 63)

(S. Banerjee)

WPA 27397 of 2023

Manas Maity

Vs.

State of West Bengal & Ors.

Mr. Partha Sarathi Mondal

... for the petitioner

Mr. Asish Kumar Guha

Mr. Rajendra Chaturvedi

... for the State

The petitioner complains that despite order passed by the learned SDM at Kakdwip, South 24 Parganas, the private respondents are not allowing the petitioner to enter his plot of land for cultivating the same.

None represents the private respondents.

Affidavit of service filed in Court is taken on record.

Report filed by the Officer in Charge, Patharpratima Police Station, signed on 2nd January, 2024, is taken on record. It appears therefrom that the complaint filed by the petitioner was enquired into and it revealed that there is a civil dispute with regard to the ownership of the land in question. The land of the private respondent is not demarcated.

The police has filed prosecution under Section 107 Cr.P.C. against the private respondent vide

Patharpratima PS PR No. 251/23 dated 27th September, 2023.

It appears from the submissions made on behalf of the parties that the clash in between the parties emanates from a civil dispute. There are diverse claims of ownership and possession. Police will not be the competent authority to decide either ownership or possession of the parties.

It will be open for the petitioner to approach the competent civil forum for declaration of his right in respect of the subject property. The police shall, however, maintain strict vigil to ensure that no untoward incident or breach of peace takes place in the locale.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)