

01.07.2025
Court No. 35
Item No.41
Rakib

W.P.A. 17875 of 2024

Kajem Ali & Ors.
VS
The State of West Bengal & Ors.

Mr. Satarup Purkayastha,
Mr. Hamidur Rahaman,
Ms. B. Bhattacharya,
...for the Petitioners.
Mr. Naba Kumar Das,
Mr. Subhabrata Das.
...for the State.

Affidavit-of-service filed by the petitioners be kept with the record.

Petitioners are aggrieved by the fact that they are unable to cultivate their land because of unnecessary overt acts being exhibited by the respondent nos. 4 to 8. Petitioners informed the police authorities but the police authorities did not take any steps and as such petitioners were compelled to approach this Court.

State has submitted a report which was prepared at the relevant point of time. I find that series of proceedings under Sections 107/116(3) of the Cr.P.C. having been initiated against the parties for maintaining peace and tranquility. Subsequently, a case under Section 144 of Cr.P.C. was also instituted at the behest of the petitioners being Misc. Case no. 816/2024.

Having regard to the nature of the dispute, particularly with regard to the cultivation of the land, the police authorities can only interfere if there is an order of

a Court of law particularly with regard to the right of the parties to cultivate in the land. As such the police authorities have in the given set of circumstances which were existing at the relevant point of time exercised their powers by drawing up proceedings under Section 107/116(3) of the Cr.P.C..

Be that as it may, if situation still persist, petitioners would inform the police authorities and the police authorities would obviously ensure that there are no overt acts inflicted upon the petitioners because of the inimical relationship existing with the private respondents.

With the aforesaid observations WPA 17875 of 2024 is disposed of.

Report so submitted by the State be kept with the record.

A copy of the report be handed over to the learned advocate appearing for the petitioners.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)