
(2019) 01 CAL CK 0018
In the Calcutta High Court
Case No : Writ Petition No. 24981 (W) Of 2018

In re : Jamunabala Ghosh

APPELLANT

Vs

State Of West Bengal & Ors

RESPONDENT

Date of Decision : 03-01-2019

Acts Referred:

Citation : (2019) 01 CAL CK 0018

Hon'ble Judges : Tapabrata Chakraborty, J

Bench : Single Bench

Advocate : Tapas Bhattacharya, Aviroop Bhattacharya, Sirsanya Bandopadhyay, Subhendu Sengupta, Mrinmoy Bhattacharya, Mityunjoy Goswami, Parikshit Goswami

Final Decision : Disposed Off

Judgement

Affidavit of service filed by the petitioner be kept on record.

Mr. Bhattacharya, learned advocate appearing for the petitioner submits that the petitioner is the owner of a pond in a plot of land detailed in paragraph 2 of the writ petition and her name duly stands recorded in the record of rights pertaining to the said land. The local panchayat and the private respondent nos.12 to 14 operate a vegetable market just adjacent to the petitioner's pond and stacks the garbage on the petitioner's pond. Such action was protested against by the petitioner since upon dumping such garbage, the private respondents were encroaching upon the petitioner's pond. The complaints lodged to that effect antagonized the private respondents, who started threatening the petitioner of dire consequences. The petitioner is the lawful owner of the pond and such property cannot be encroached upon by the private respondents.

The learned advocate appearing for the private respondent nos. 12 to 14 denies the allegations levelled against them in the writ petition.

The learned advocate appearing for the respondent no.11 submits that the vegetable market is operating for a substantial period of time and the petitioner

herself submitted representations to the panchayat authorities stating inter alia that she has no objection in the event some portion of her land is utilised by the private respondent nos.12 to 14 for operating such vegetable market. The copy of such representation submitted by the petitioner, as produced, be kept on record.

Mr. Bandopadhyay, learned advocate appearing for the State respondents denies the allegation of inaction as levelled against the State authorities.

It appears from the written instruction, as produced by Mr. Bandopadhyay, that the Block Land and Land Reforms Officer, Chakdah visited the spot and conducted an enquiry on 5th December, 2018 and thereafter the said officer lodged a complaint against the private respondents stating that the said respondents have violated the provisions of Section 4D of the West Bengal Land Reforms Act, 1955. The said complaint was treated as FIR and Chakdah Police Station Case No.391/18 dated 5th December, 2018 under Section 4D of the West Bengal Land Reforms Act, 1955 was registered and in course of investigation three persons were arrested and two JCB vehicles were also seized. The investigation in the said case is still continuing. Let the written instruction, as produced, be kept on record.

Under such circumstances, this Court directs the investigating agency to conduct investigation in the aforesaid case in a fair and impartial manner and to conclude the same at an early date.

The respondent no.2 is also directed to ensure that no physical harm is caused to the either set of parties due to the dispute between them.

With the aforesaid observations and directions the writ petition is disposed of.

There shall however be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties.