

S/L No.26
20.12.2021
Ct-13
(AD)

(Through Video Conference)

WPA 7304 of 2020
With
IA No:CAN 1 of 2020, CAN 2 of 2021 and CAN 3 of 2021

Jane Alam Beg
vs.
The State of West Bengal & Ors.

Mr. Subrata Mukherjee
Ms. Nasreen Islam
...for the petitioner.

Mr. Santanu Kumar Mitra
Mr. Sudip Sarkar
... for the State.

In Re: CAN 3 of 2021

This application has been filed seeking condonation of delay in filing the restoration application being CAN 2 of 2021.

Sufficient grounds are available explaining the delay.

Delay is condoned.

CAN 3 of 2021 is allowed and disposed of.

In Re: CAN 2 of 2021

Sufficient grounds are available explaining the absence of the petitioner on 20th November, 2020.

Accordingly, CAN 2 of 2021 is allowed and WPA 7304 of 2020 is restored to its original file and number.

In Re: WPA 7304 of 2020
With
CAN 1 of 2020

The petitioner complains that the private respondents are interfering with his possession in

respect of the particular property and are effecting construction. Title Suit No.797 of 2019 is pending before the learned Civil Judge (Junior Division), 3rd Court at Alipore which has ordered injunction and which has been extended from time to time. It is submitted that notwithstanding the order of injunction the private respondents are interfering with the petitioner's enjoyment of his land.

Counsel for the State places the instructions of the Inspector-in-Charge, Rabindranagar Police Station dated 28th September, 2020. It appears that proceedings under Section 107 of the Criminal Procedure Code have been taken up. The complaints of the petitioner were duly investigated.

Under these circumstances, this Court is of the view that the disputes between the petitioner and the private respondents are purely civil in nature. The parties may approach the Civil Court in the pending suit for appropriate relief.

The Officer-in-Charge, Rabindranagar Police Station shall, however, maintain a regular vigil over the said premises seeing that there is no breach of peace.

WPA 7304 of 2020 and CAN 1 of 2020 are hereby disposed of without any order as to costs.

Written instructions of Inspector-in-Charge, Rabindranagar Police Station dated 28th September, 2020 filed in Court be taken on record.

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

(Rajasekhar Mantha, J.)