

19.10.2020
Court No. 19
Item No.06
CP

WPA 7406 of 2020
with
CAN 1 of 2020

Smt. Sikha Pathak & anr.
vs.
The State of West Bengal & ors.

Ms. Joyee Maity.

.....for the petitioner.

Mr. Lalit Mohan Mahato,
Mr. Rana Mukherjee,
Ms. Jhuma Chakraborty.

....for the State.

Mr. Balai Paul,
Mr. Raj Kr. Pandit.

....for the respondents 5 to 8.

It is submitted by the learned advocate for the petitioners that the police authorities have complied with the order dated October 16, 2020 and have ensured safe entry of the petitioners into their house. It is stated that the petitioners are residing in the said house peacefully.

It is submitted by the petitioner that at the instance of the respondent nos. 5 to 8 some of the windows and the walls have been broken and the petitioners wanted to repair the same but the police authorities obstructed. The petitioners now seek the protection of this Court to enable them to renovate the windows and the boundary wall.

It is submitted by Mr. Rana Mukherjee, learned Additional Public Prosecutor appearing for the State, that the police authorities only wanted to ensure that there was no suit pending with respect to the self-same premises and that there was no order of a civil court directing the parties to maintain *status quo*. The allegation that the police had restrained the petitioners from renovating the windows is not correct.

It is submitted by the petitioner that a civil suit had been filed by the petitioners against the respondent nos. 5 to 8 for declaration and recovery of khas possession but the said civil suit was subsequently withdrawn. There is no civil suit pending.

Thus, Mr. Mukherjee's client need not intervene any further as they have already complied with the order of this Court. It is upto the petitioners to seek appropriate permission from the appropriate authorities, if required under the law for reconstruction, renovation, of the walls and windows.

It is made clear that if the police authorities find any untoward incident or likelihood of breach of peace, only then, the police authorities will take steps in accordance with law. It is also made clear that as the petitioners' initial grievance has been redressed by the police authorities, no further permanent picketing is necessary but the police authorities

undertake that in case there is any further breach of law by the respondent nos. 5 and 8 then, on an approach made by the petitioners, the police authorities will take steps in accordance with law.

The personal appearance of the Commissioner of Police, Howrah and the Officer-in-charge, Dasnagar Police Station are dispensed with.

It is made clear that as the dispute is civil in nature and allegations and counter allegations of encroachment and adverse possession are being made by the parties, both the parties are at liberty to approach the civil court for redressal of their grievances.

With the above observation, the writ petition is disposed of. Accordingly, CAN 1 of 2020 is also disposed of.

There shall be no order as to costs.

All parties are to act on a server copy of this order on usual undertakings.

(Shampa Sarkar, J.)