

26.08.2021
Item no.122

Aloke
Ct. no.8

Through Video Conference

W.P.A. 9394 of 2021

**Jamal Sarder
Versus
The State of West Bengal & Ors.**

Mr. Mukteswar Maity, Advocate
... for the petitioner
Mr. Himadri Sekhar Chakraborty, Advocate
Ms. Debdooti Dutta, Advocate
... for the State
Mr. Arun Shaw, Advocate
Mr. Subhadip Pramanik, Advocate
... for the private respondent nos. 5 to 9

Petitioner complains of police inaction.

Learned Advocate appearing for the petitioner submits that there is a subsisting order passed by the civil court directing the parties to the suit to maintain status quo in respect of possession, nature and character of the suit property. He draws the attention of the Court to an order passed by the Executive Magistrate under Section 144 of the Code of Criminal Procedure. He submits that despite such order, private respondents are making construction and trying to dispossess the petitioner.

State and the private respondents are represented.

Learned Advocate appearing for the State submits on instructions that the complaint of the petitioner was enquired into and a prosecution under Section 107 of the Code of Criminal Procedure was submitted.

Learned Advocate appearing for the private respondents submits that his client is not making any construction.

There are disputes between the private parties which are civil in nature. There is a civil suit pending between the private parties. The order of the Executive Magistrate spoken of by the petitioner is dated September 2, 2019. Due to the efflux of time, the validity of such order does not survive. The police taking steps as noted above and since the disputes between the private parties are civil in nature, further interference by a writ Court is not called for.

W.P.A. 9394 of 2021 is disposed of.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all legal formalities.

(Debangsu Basak, J.)