

112 11.08.2021
rkd Ct.13

W.P.A. 11471 of 2021

Sankar Mondal & Anr.

-vs-

The State of West Bengal & Ors.

Mr. Angshuman Chakraborty

....for the petitioners.

Mr. Souradipta Banerjee

....for the respondent no.5.

Mr. Jishnu Choudhury,
Mr. Saikat Chatterjee

....for the State.

The petitioner complains that the private respondents are making construction on property belonging to the petitioner.

Counsel for the private respondents submits that there are two civil suits filed against the petitioner being T.S. No.442 of 2011 and 629 of 2015 in which orders of status quo and an interim injunction have been passed by the Civil Judge, (Jr. Division), 1st Court at Barasat and by the District Judge.

Counsel for the State submits that proceedings under Section 107 of Cr.P.C. have been drawn up. It is informed that there is no breach of peace in the area as of now.

In that view of the matter, since the issue between the parties pending in civil forum, a writ Court cannot interfere in the matter.

The Officer-in-charge of Baguiati P.S. shall however ensure that there is no breach of peace in the area.

The parties are at liberty to thrash out their grievances in the pending civil suit.

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

(Rajasekhar Mantha, J.)