

10th February,
2021
(AK)
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W.P.A 14630 of 2019

Biplab Sabuj Sangha
Vs.
The State of West Bengal & Ors.

Mr. G.K. Das
Mr. K.C. Saha
Mr. Sandip Kumar Mondal
Mr. Siladitya Barma
...For the Petitioner.

Mr. Amit Kumar Ghosh
...For the Respondent
Nos. 6,7, 9 & 10.

The petitioner, being a local club represented by its Secretary, alleges that the private respondents have been disturbing in the Seva Puja of a deity, of which the petitioner club claims to be a Sebait.

It is submitted that, despite several complaints in that regard, the police are not taking any action.

Learned counsel appearing for the private respondents submits that there a civil suit bearing Title Suit no. 213 of 2019, is already pending before the competent Civil Court between the private parties on issues similar to the present dispute.

Learned counsel for the petitioner replies that the deity is not a party in the said suit.

Be that as it may, since the dispute relates to a public Debttar property and a civil suit is already

pending in connection therewith, there is no scope for adjudication on the issue of the respective rights of the private parties, which is a *sine qua non* in the circumstances for the police to act at the behest of either of the parties.

That apart, it is admitted by the petitioner that the petitioner had obtained an order under Section 144(2) of the Code of Criminal Procedure from the competent Magistrate's court and, as such, has a remedy before the said court in case of contravention of such order by the police, in any event.

In such view of the matter, there is no scope for interference in the writ petition.

Accordingly, W.P.A. 14630 of 2019 is disposed of by granting liberty to the petitioner to urge its grievances before the appropriate civil and/or criminal forums.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)