

02.08.2022
Sl. No.362(ML)
srm

W.P.A. No. 783 of 2021

Tajijul Sk @ Tajim Sk

Versus

The State of West Bengal & Ors.

Mr. Amamul Islam,
Mr. Sourav Mukherjee

...for the Petitioner.

Ms. Karabi Roy

...for the respondent Nos.4 & 5.

It appears from the complaint filed before the Superintendent of Police, Krishnagar, Nadia that the dispute is with regard to construction of a boundary wall on Plot No.207, pertaining to Khatian No.4944, Mouza-Kathalberia. The petitioner alleges that the respondent No.4 had tried to raise a boundary wall on the strength of an alleged order passed by the learned civil court in a pending civil suit, which the petitioner claims to a forged document.

Learned Advocate for the respondent Nos.4 and 5 submits that the dispute is with regard to certain lands. A civil suit is pending between the respondent Nos.4 and 5 and the petitioner. That certain directions have been passed in the civil suit and the issues raised, cannot be adjudicated either by this Court or by the police authorities.

It appears from the complaint filed before the Superintendent of Police that the Officer-in-Charge, Nakashipara Police Station had called the parties to enquire about the truth and veracity of the allegation of the petitioner. The petitioner alleged that the order of the civil court, which the respondent No.4 had indicated to the police authorities, was not genuine. However, this Court is of the view that as the civil suit is pending and the petitioner has raised an objection with regard to the correctness of an order allegedly passed by the learned civil court, the remedy of the petitioner shall be before the learned court.

The petitioner is at liberty to raise his grievances before the learned court before whom the civil suit is pending.

Under such circumstances, this writ petition is disposed of without any interference. Rights of the parties have not been decided in this proceeding. The parties are at liberty to raise all their grievances before the learned civil court. The police authorities are directed to maintain a vigil in order to ensure that no untoward incident takes place, over the disputed lands.

The writ petition is, thus, disposed of.

The petitioner will communicate this order to the Officer-in-Charge, Nakashipara Police Station.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)