

S/L 575 (ML)
30.08.2022
Court. No. 19
GB

WPA 3254 of 2022

Nazimuddin Molla
VS
The State of West Bengal & Ors.

*Mr. Debasis Sur,
Mr. Himadri Sh. Pal,
Ms. A. Patra.*

...for the Petitioner.

*Mrs. Chama Mookherji,
Mrs. Paramita Pal.*

...for the State.

Mr. Gora Chand Samanta.

...for the Respondent Nos.5 to 7.

Affidavit-of-service filed in Court today, be kept with the record.

The petitioner alleges that during pendency of a civil suit, the defendants in the suit, who are the respondent nos.5 to 7 started making an unauthorized construction. Admittedly, the petitioner has not been favoured with an order of ad interim injunction, in the suit. The allegation of unauthorized construction cannot be decided by the police authorities.

However, the report filed by the learned advocate for the State respondents indicates that the police authorities had enquired into the matter on the basis of the order passed by the learned Executive Magistrate in MP Case No.312 of 2020 and MP Case No.3779 of 2022. The dispute was found to be purely civil in nature. However, prosecution under Section 427 of the Indian Penal Code was submitted against the petitioner. Subsequently, again prosecution under Sections 107 and 116(3) of the Code of Criminal Procedure

was submitted. The entire issue was diarised. The police authorities are keeping a sharp vigil.

Under such circumstances, the writ petition is disposed of with a direction upon the police authorities to maintain peace. The remedy of the petitioner is before the learned civil court.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)