

S/L 49
13.6. 2022
Court. No. 19
sn

WPA 5130 of 2022

Fakir Chand Mondal
Vs.
The State of West Bengal & Ors.

Mr. Ambu Bindu Chakraborty
Ms. Mrinmoyee Roy Chowdhury
... for the Petitioner

Ms. Chama Mukherjee
Mr. Gourav Das *... for the State.*

Mr. Gour Baran Shau *..for the respdts.5-11*

There are property disputes between the petitioner and the respondent nos. 5 to 11. A civil suit was filed by the respondent nos. 5 to 11 before the learned Civil Judge (Junior Division) 2nd Court, Malda. The respondent Nos. 5 to 11 filed a suit for declaration of title and permanent injunction. The suit was dismissed and the learned Court found that the petitioner and his brothers were in possession.

The dismissal has not been challenged by the respondent nos. 5 to 11 by way of an appeal. The learned advocate for the respondent nos. 5 to 11 claim title over the suit property, and assert their authority over the same. This Court cannot accept such conduct in view of the dismissal of the suit. Remedy available to the respondent nos. 5 to 11 are open under the civil law.

The police authorities have filed a report, from which it appears that a prosecution under Section 107 of the Code of Criminal Procedure has been submitted against the respondent nos. 5 to 11 directing the said parties to maintain peace and tranquillity. No cognizable offence was detected.

Having considered the rival contentions of the parties, this Court is of the view that the dispute is civil in nature. However, the police must keep strict vigil and ensure that law and order is maintained.

Accordingly, the writ petition is disposed of.

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.)