

S/L 48
14.06.2022
Court. No. 19
GB

WPA 6761 of 2022

Tarit Kumar Halder
VS
The State of West Bengal & Ors.

*Mr. Kajal Mukherjee,
Mr. Surajit Basu,
Mr. Biswajit Sarkar,
Ms. Oindrila Ghosh.*

...for the Petitioner.

*Mr. A. Ray,
Mr. Raja Saha,
Mr. Debasish Ghosh.*

...for the State.

Mr. Angshuman Chakraborty.

...for the Respondent Nos.6 & 7.

The petitioner has alleged overt act by the Officer-in-Charge, Panchasayar Police Station. According to the petitioner, a half constructed boundary wall was demolished by the police authorities. It is further submitted that on different occasions, the police authorities have caused disturbance in the petitioners peaceful enjoyment of the property in question and have also threatened the petitioner with dire consequences.

It appears that civil suits are pending between the petitioner and the respondent nos.6 and 7 with regard to the self-same property being Title Suit No.346 of 2022 and Title Suit No. 422 of 2022. An order of status quo was passed in Title Suit No.422 of 2022. The parties have been directed to maintain status quo with regard to the nature, character and activities in respect of the schedule suit property.

The learned advocate for the respondent nos.6 and 7 submits that in violation of the order of status quo, the petitioner was making a construction of the boundary wall and the respondents approached the police authorities for implementation of the order. As a result of which, the police authorities visited the locale.

Mr. Saha, learned advocate appearing on behalf of the police authorities submits that the police did not voluntarily visit the premises. On receiving directions from the learned Executive Magistrate in proceedings under Section 144(2) of the Code of Criminal Procedure initiated by both the parties, the police authorities had visited the site in order to maintain peace and tranquillity. It is further submitted that the police has been unnecessarily dragged into the proceedings, although the dispute is over right, title and possession of the property in question. The matter is sub judice before the civil court. It is further submitted that the Kolkata Municipal Corporation had also issued a notice upon the police authorities to prevent the construction of an unauthorized boundary wall on the property in question. The person responsible for such construction has been found to be the petitioner, as indicated in the notice of the Kolkata Municipal Corporation.

Thus, this Court does not find that the police authorities have acted beyond their jurisdiction. However, as the matter is sub judice before the civil court, the writ petition is disposed of with a direction that the police authorities shall only follow orders passed by the appropriate

courts of law and shall not otherwise visit the locality. This order will also restrain the parties from committing any law and order problem or breach of peace in the area. If there is any altercation and the law and order problems arise, then the police authorities shall be free to take steps in accordance with law. The unauthorized construction shall be stopped and the KMC, can take steps in accordance with law.

The respondent nos.6 and 7 are at liberty to approach the civil court for further reliefs in view of the allegations of violation of the order of status quo. Application for grant of police help for implementation of the order of status quo may also be filed by the parties, which shall be disposed of in accordance with law.

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 sever copy of this order.

(Shampa Sarkar, J.)