

05.07.2022
Sl. No.71(ML)
srm

W.P.A. No. 10972 of 2022

Sri Arnab Sett

Versus

The State of West Bengal & Ors.

Mr. Sayan Sinha,
Mr. Rishabh Dutta Gupta

...for the Petitioner.

Ms. Chaitali Bhattacharya,
Mr. Subhendu Roychoudhury

...for the State-respondents.

Despite service, none appears on behalf of the respondent Nos.6 to 8. Affidavit-of-service is taken on record.

The petitioner alleges that in violation of an order of injunction passed in Title Suit No.358 of 2022, a garage of which the petitioner is a tenant, was demolished. The respondent No.6 had been restrained from dispossessing the petitioner from the scheduled property. It is further urged that the respondent Nos.6 to 8 have been continuously threatening to damage the car of the petitioner. The petitioner apprehends that some physical injury may also be caused to the petitioner by the said respondents. The respondents wish to develop the property and have been trying to oust the petitioner. The

petitioner is a monthly tenant in respect of the said garage. Alleging such threats and dispossession, the petitioner had filed the suit. The civil court had passed an order of ad interim injunction and it was found that the petitioner had a, *prima facie*, case to go to trial.

The police authorities have filed a report, from which it appears that pursuant to the complaint with regard to the dispute over the tenancy, general diaries were registered and an enquiry was made. Prosecution under Section 107 of the Code of Criminal Procedure was submitted against the respondent Nos.6 to 8. On the basis of a direction passed in a proceeding under Section 144(2) of the Code of Criminal Procedure, another enquiry was made and a prosecution under Section 107 of the Code of Criminal Procedure was once again submitted before the learned jurisdictional Magistrate.

As the petitioner apprehends that the petitioner's car may be destroyed and the petitioner may be injured at any point of time by the miscreants, the police authorities shall continue to keep a strict vigil and ensure that law and order is maintained, especially because the petitioner is protected by an ad interim order of injunction by a civil court.

The other remedy of the petitioner before the learned civil court with regard to violation of the ad interim order of injunction, is kept open.

The writ petition is, thus, disposed of.

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.)