

S/L 408(ML)
16.08.2022
Court. No. 19
GB

WPA 13794 of 2021

Nigar Laila
VS
The State of West Bengal & Ors.

Mr. Keshab Chandra Das

...for the Petitioner.

*Mr. Subhabrata Datta,
Mr. Banibrata Datta.*

...for the State.

*Mr. Sibasis Ghosh,
Mr. Prasanta Banerjee.*

...for the Respondent Nos.4 & 5.

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

The petitioner submits that the respondent nos.4 and 5, who are adjacent plot owners had stacked some straw on the plot belonging to the petitioner. When the petitioner objected, a hot altercation took place and the respondent nos.4 and 5 threatened the petitioner with dire consequences.

The learned advocate for the respondent nos.4 and 5 submits that the said respondents had purchased the adjacent plot, but did not act in a manner prejudicial to the interest of the petitioner. The allegation of threat, use of abusive language etc., have been denied. It is the specific case of Mr. Ghosh, learned advocate for the respondents that on the self-same cause of action, the petitioner initiated a proceeding under Section 144(2) of the Code of Criminal Procedure.

On perusal of the police report, the learned Executive Magistrate observed that there was no apprehension of

breach of peace and the proceedings were dropped. Again after considerable lapse of time, the petitioner has raised similar questions on the self same issue. He submits that the respondent nos.4 and 5 had never disturbed the peaceful possession of the petitioner in respect of the property in question.

Under such circumstances, the writ petition is disposed of without any orders. The parties will enjoy their respective areas peacefully and the police authorities shall maintain peace.

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.)