

05.08.2022
Court No.19
Monthly List
Item No.70
AP

WPA 13295 of 2022

Jahir Mondal
Vs.
The State of West Bengal and Ors.

Mr. Maidul Islam Kayal
Mr. Anisur Rahaman
Mr. Sumit Naskar

... For the Petitioner.

Mr. Pantu Deb Roy
Mr. Subrata Guha Biswas

... For the State.

The writ petition has been filed for a direction upon the police authority to take appropriate action for the protection of the life and property of the petitioner in a time bound manner.

It is alleged that the respondent Nos.8 to 11 have been disturbing the use and enjoyment of the landed property of the petitioner. Rival claims of ownership have been made. Being aggrieved, the petitioner and his wife filed a suit being Title Suit No.154 of 2021. The suit is pending before the learned Civil Judge (Junior Division), 1st Court, Berhampore, Murshidabad.

It appears that an order of injunction in the form of status quo was passed in respect of nature, character, possession and ownership of the suit property.

It is submitted that the petitioner uses the land for cultivation and the cattle have damaged the crops. The petitioner started raising a boundary wall in order to prevent the cattle from entering into the property, but the

private respondents prevented the petitioner from raising the said boundary wall. A complaint was filed before the concerned police station for protection of the property.

It is submitted by the learned advocate for the petitioner that unless this Court directs the police authorities to assist the petitioner in the construction and prevents the respondent Nos.8 to 11 from obstructing the construction of the boundary wall, the petitioner's property would be completely destroyed and damaged.

This Court is unable to pass the orders as prayed for, for the following reasons:-

- (a) The petitioner filed the Civil Suit against the respondent Nos.8 to 11 claiming exclusive right over the property, and the said suit is pending.
- (b) There is an order of injunction directing the parties to maintain status quo with regard to the nature, character, possession and ownership of the suit property.
- (c) Any order that may be passed permitting the petitioner to raise a boundary wall with police help would be in conflict with the order passed by the learned Civil Court.

It appears from the police report that the police authorities enquired into the complaint lodged by the petitioner and on apprehension of breach of peace several prosecutions have been submitted against both the parties.

The police authorities shall ensure that breach of peace does not take place.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

The report of the Inspector-in-Charge, Domkal Police Station, Murshidabad Police District dated 6th July 2022 is taken on record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Shampa Sarkar, J.)