

S/L 43
16.6. 2022
Court. No. 19
sn

WPA 16151 of 2021

Multiple Fabrics Company Limited & Anr.
Vs.
The State of West Bengal & Ors.

Mr. B.L. Sahoo
Md. Nurezaman
Mr. Jahangir Badsha ... *for the Petitioners*

Mr. Debjit Mukherjee
Ms. Susmita Chatterjee ... *for the State*

The petitioners allege that the police authorities of Maheshtala Police Station have failed and neglected to take steps against the respondent nos.4 to 11, who have been continuously disturbed the petitioners' use of the factory premises. The factory premise is situated on L.R. plot no.70 in Mouza Memanpur. According to the petitioners, the respondent nos. 4 to 11 have no interest in the factory in question, but they have continuously interfered with the activities which were being carried on by the petitioner, in the factory.

The police report is taken on record. It appears that after receipt of the complaint lodged by the petitioner, a General Diary was registered. The police authorities came to know that a suit for partition is pending between the petitioners and some of the respondents. An order was passed on February 26, 2021, directing the defendants therein, to maintain

status quo with regard to nature, character and possession till October 26, 2021.

Upon questioning the local people, the police authorities came to know that the factory was running smoothly up to 2016, but due to labour issues the factory was closed down. Thereafter, the proprietor of the factory decided to sell out the factory lands by demarcating plots.

At such juncture, the respondent nos. 4 to 11 raised their objections and the dispute arose. The police authorities have opined that the dispute is civil in nature. However, a prosecution under Section 107 of the Code of Criminal Procedure vide N.C.R. 59/20 has been submitted. Parties are maintained peace and tranquillity.

Under such circumstances, this Court is of the view that the prayer of the petitioners to be permitted to continue with all their activities in the factory premises with police protection, cannot be allowed. Neither the Court nor the police authorities can decide such right of the petitioners. However, it is the cardinal duty of the police authorities to maintain law and order. The police authorities shall keep strict vigil to ensure that the petitioners are not unnecessarily harassed and the right, title and interest of the petitioners qua the factory premises shall be decided by the appropriate forum.

Accordingly, this 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.)