

11.11.2022.
Item No. 39.
Court No.13
ap

W.P.A. No. 21912 of 2022

**Mritunjoy Ray
Versus
The State of West Bengal & Ors.**

Mr. Tapas kumar Ghosh,
Mr. Tanmoy Chowdhury.

..For the petitioner.

Mr. Santanu Kumar Mitra,
Mr. Subhabrata Das.

..For the State.

Despite service of notice, the private respondents are not represented. Affidavit-of-service filed in Court today be taken on record.

The petitioner is aggrieved by the inaction on the part of Asansol (North) Police Station and the Commissioner, Asansol-Durgapur Police Coomissionerate.

By an order dated 2nd September, 2022 passed by the 2nd Civil Judge (Junior Division), Asansol, Paschim Bardhaman in Title Suit No. 513 of 2022.

The private respondents have been injuncted from entering into the suit property and disturbing the possession of the petitioner. The order has been communicated to the police but the police have remained silent.

It is submitted that the police have been advised the petitioner to settle with the encroachers and land Mafias.

Counsel for the State has produced instructions of Asansol (North) Police Station dated 26th September, 2022.

It is submitted that there is a complaint by the local Councillor alleging encroachment on Government property. It is further submitted that there also a complaint by one Sibram Upadhyay of Pangachia stating that his signature on a deed has been forged and the petitioner is claiming right under such forged deed.

These are the matters that should be taken up in the pending civil suit. Reserving liberty to the said Sibram Upadhyay of Pangachia and the State to approach the Civil Court to challenge/contest the title of the petitioner, the injunction of the Civil Court shall be strictly enforced by Asansol (North) Police Station.

Let Asansol (North) Police Station submit a detailed report to the 2nd Civil Judge (Junior Division), Asansol, Paschim Bardhaman within a period of two weeks from date.

It shall be strictly ensured that the possession of the petitioner is not disturbed. The police shall, however, abide by any other order that a Civil Court may pass after their report is produced.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

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

(*Rajasekhar Mantha, J.*)