

(04)
05.05.2022
(p.jana)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO No. 3743 of 2019

Smt. Jayanti Bose Nee Ghosh
-versus-
Brojendra Nath Mondal & ors.

Mr. Pinaki Ranjan Mitra,
Mr. S. Bose, ... for the petitioner.

Mr. Ziaul Haque, ... for O.P. No. 2.

Mr. Abhijit Ray,
Mr. Shubham Gupta, ... for O.P. No. 3.

Mr. Soumya Banerjee, ... for O.P. No. 4.

Mr. Amitesh Banerjee, Sr. Standing Counsel,
Ms. Ipsita Banerjee,
... for O/C, Taltala Police Station.

Mr. Amitesh Banerjee, learned Senior Standing Counsel for the State of West Bengal appears along with his junior Ms. Ipsita Banerjee and files an affidavit of the Officer-in-Charge, Taltala Police Station, as directed by the order dated April 25, 2022.

The said affidavit is taken on record.

The said affidavit discloses that in a proceeding under Section 144 of the Code of Criminal Procedure initiated by the opposite party no. 4 against the petitioner, the Executive Magistrate by an order dated August 30, 2018 directed the said Officer-in-Charge to enquire into the allegation of the said opposite party no. 4 and

to see that no breach of peace takes place at the locale. The said Officer-in-Charge on receipt of an information of disturbance in the said area on September 05, 2018 at about 14.30 hours sent a team of Police Officers in the said locality and the said Officers found that all the parties to the suit including some outsiders were claiming possession over the suit premises and the situation when went out of control, the Police personnel to prevent further deterioration of the peace and tranquility of the area, put a padlock in the suit premises.

The correctness of the order impugned is to be viewed in the context of the facts disclosed in the aforesaid affidavit.

The revisional application is at the instance of the plaintiff of the Title Suit No. 1225 of 2018 pending before the IX th Bench, City Civil Court at Calcutta.

The learned Trial Judge by the order no. 15 dated April 18, 2019 directed the said Officer-in-Charge to handover the key of the padlock of the suit premises to the petitioner but by the subsequent impugned order no. 22 dated July 23, 2019 has recalled his said earlier order.

The intervention of the Police into the matter was absolutely justified, however, when the parties are litigating in respect of their rights over the suit premises before a competent Civil Court and the

said Court is in seisin of the matter, it is appropriate that pending adjudication of the rights of the parties, the aforesaid learned Trial Court shall keep the said key in its custody. The said Officer-in-Charge is therefore directed to handover the said key to the said learned Court.

Considering the facts and circumstance of the present case as discussed above, this Court does not find any reason to interfere with the order impugned, C.O 3743 of 2019 is accordingly dismissed without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance of all requisite formalities.

(Biswajit Basu, J.)