

12.10.2023

**WPA 5598 of 2023**

**Asim Ranjan Coomer & Anr.  
Vs.  
The State of West Bengal & Ors.**

Mr. Sujit Kr. Rath  
Mr. Sukumar Sarkar  
Mr. Anirban Saha

... .. for the petitioners

Mr. Somnath Ganguli, AGP  
Ms. Priyamvada Singh

... .. for the State

Mr. Subrata Karmakar  
Mr. Md. Ali Ahasan

... .. for the private respondents

Affidavit of service filed on behalf of the petitioners  
is taken on record.

Report filed on behalf of the State is also taken on  
record.

Copy of the report be handed over the petitioners.

Learned counsel appearing on behalf of the  
petitioners submits as follows. The petitioners are owners  
of the land in question. The private respondents are  
constructing fencing around land so as to block the  
ingress and egress of the property. This was objected to.  
But the respondents did not relent. By order dated  
05.05.2000 passed by the learned Civil Judge, Junior  
Division, 2<sup>nd</sup> Court, Hooghly in T.S. No.58 of 2000 the  
defendants were restrained from causing any obstruction  
to the plaintiffs' right of ingress and egress in respect of  
the plot no.1815. In spite of seeking police help, no  
adequate steps were taken by them.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations made by the writ petitioners are denied. The land is recorded in two names. Therefore, there is need for proper demarcation. However, they have not applied force or tried to disturb the possession of the petitioners in respect of their own properties.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. On the complaint of the petitioners several steps were taken by the police authorities. On the FIR lodged, charge-sheet has been submitted and proceeding was also initiated under section 107 of the Code.

It appears that the petitioners have already obtained an order of ad-interim order of injunction from the Civil Court. No one has a right to violate such interim order. The petitioners shall be at liberty to pray for police help in the event such order is violated, so that the order is not violated and so that no petitioners' ingress and egress may not be blocked.

If any of the private parties wants to seek further relief in respect of the said property the same has to be done before the appropriate authority or the Civil Court.

It also appears that the police have taken steps on the complaint of the petitioners by registering FIR and thereafter, filing the charge-sheet and also initiated proceedings under section 107 of the Code.

Therefore, there is no need for further order in this regard.

However, the police shall keep a sharp vigil at the locale and ensure that no breach of peace takes place and see to it that no order of the Civil Court is violated.

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

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

**(Jay Sengupta, J.)**