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Court no. 14
04.07.2023
D.Hira

W.P.A. 7789 of 2023

Srikrishna Mondal
-versus
The State of West Bengal & Ors.

Mr. Debasish Das.
... for the petitioner

Mr. Sk. Md Galib, ld. Senior counsel.
Ms. T. Mukherjee.
... for the State

This is an application under Article 226 of the Constitution of India alleging police in action and praying for a direction upon the respondent authorities to provide police help to the family of the petitioner for protection of their lives and property.

Affidavit-of-service filed in Court today is taken on record.

Despite service no one is appearing on behalf of the private respondents.

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the land in question. He is engaging in pisciculture in the water body contained within the said land. Since the private respondents have been disturbing the possession of the petitioner in respect of such land, he filed a title suit which is still pending. However, on 29.06.2020, the learned Court passed an order of ad interim injunction in favour of the petitioner restraining the private respondents from disturbing the peaceful possession of the plaintiffs in the suit property. The injunction order still subsists. In spite of this, the private respondents have violated the order

and prevented the petitioner from carrying out the pisciculture. They have threatened him and his family members. Although the matter was reported to the police station, no action was taken.

Learned counsel appearing on behalf of the petitioner submits as follows. The injunction order was passed by the learned Civil Court in favour of the petitioner. Thereafter, the petitioner made several complaints and proceeding under Section 107 of the Code of Civil Procedure was initiated in this regard. A complaint was made by petitioner's father and an FIR was lodged.

I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the writ petition and the report filed by the State.

It appears that the matter arises out of a dispute in respect of property. Learned Civil Court has passed the order of ad interim injunction in favour of the petitioner.

From the report filed by the police, it appears that they have also initiated a proceeding under Section 107 of the Code. An FIR was also registered.

For the subsequent facts alleged, if the same make out a cognizable case it shall be open to the petitioner to move the learned Jurisdictional Magistrate with an application under Section 156(3) of the Code.

Since steps have been taken by the police as regards the complaints of the petitioner in respect of such property, no further order need be passed by this Court in this regard. However, the police shall keep vigil at the locale and ensure that no one violates the Civil Court's order.

With these observations, the writ petition is disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Jay Sengupta, J.)