

Court No. 7
27.12.2023
(Item No. 3)
Vacation
Bench

(SB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side
W.P.A. 11715 of 2023

Sri Ranajit Mondal
VS
The State of West Bengal & Ors.

Mr. Somnath Mukherjee for the petitioner

Mr. Amritlal Chatterjee For the State

Documents regarding service of notice upon the respondents, as filed in Court, are taken on record.

It appears that while some of the private respondents were served with notice, some could not be served.

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 property in question. The private respondents are trying to disturb the possession and enjoyment of the property by the petitioners. The petitioner filed a civil suit and obtained an order of injunction. Yet, the private respondents continued to violate the same. The prime bone of contention is that a temple that was illegally constructed by the private respondents in front of the petitioner's property. When the petitioner objected there was a social boycott effected by the locals including the private respondents. This is not permissible in law.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. A civil dispute is pending between the private parties. On the complaint of the petition the State respondents authorities have already initiated a

proceeding under Section 107 of the Code. A Title Suit is pending.

It appears that an interim order of injunction was granted by the learned Civil Judge (Junior Division), 1st Court, Arambagh, Hooghly, in T.S. 147 of 2022 on 22.11.2022 restraining the defendant nos. 1 to 6 from changing the nature and character and possession of 3 feet wide and 40 feet long common passage existing in between the suit plot by way of encroachment till the next date.

It also appears that police authorities have taken some steps by initiating the proceeding under Section 107 of the Code.

Any social boycott of a citizen or his family member has to be dealt with strictly by the Administration. This has no place in a civilized society.

However, if any of the parties wants to establish any further right in respect of the property in question there shall be a liberty to do so before the Civil Court. None of the parties has any right to take law in his own hand.

In view of the above and in the interest of justice, the respondent police authorities shall keep a sharp vigil at the locale, ensure that no breach of peace takes place and no order of a Civil Court is violated. Surveillance shall include frequent visits to the area by police patrol.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)