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WPA 11986 of 2023

Murari Mohan Mondal

-vs-

The State of West Bengal & ors.

Mr. Ujjal Ray

Mr. Ivan Roy

Mr. Debangshu Bandhu

Mr. Sk. Abdur Rahim

...for the petitioner

Mr. Ashim Kr. Ganguly

Ms. Jyotsna Roy Mukherjee

...for the State

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

Despite service, no one appears 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 owns five shops wherefrom he sales winter garments. The private respondents had been disturbing his possession and enjoyment of such property. Earlier some others had come to do so. The petitioner was constrained to move the Civil Court and obtain an interim order of status quo. It appears that

those other persons have now sent the private respondents to do their job. This was brought to the notice of the local police authorities, but no steps were taken.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. There is a civil suit that is pending between the petitioner and another. However, on the complaint of the petitioner, two proceedings have been drawn up under Section 107 of the Code of Criminal Procedure.

It appears that the petitioner is the owner of a few shops and the private respondents and previously some others had been allegedly disturbing his possession.

It goes without saying that the petitioner's status in respect of the property cannot be altered except in accordance with law.

It also appears that the police have taken some steps by entertaining the petitioner's complaints and initiating proceedings under Section 107 of the Code. However, more would be required to be done by the police authorities if the private respondents again come to disturb the petitioner's possession.

Let the police authorities keep a sharp vigil at the locale and ensure that no breach of peace takes place.

If any untoward incident occurs or is apprehended by the petitioner, he shall be at liberty to intimate the Officer in Charge of the local police station who shall then act in accordance with law.

As affidavits were not called for, allegations are deemed not to have been admitted.

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.)