

28.06.2023.
Court No.13
Item No. 6
ap

W.P.A. No. 13702 of 2023

**Sk. Saidul Islam
Versus
The State of West Bengal & Ors.**

Mr. Arunava Ganguly.

...For the petitioner.

Mr. Asish Kumar Guha,
Mr. Rajendra Chaturvedi.

...For the State.

1. Despite service of notice, the private respondents are not represented.
2. The petitioner complains that the private respondents are threatening and intimidating him and disturbing cultivation of his land. The petitioner claims to have purchased the land by a Registered Sale Deed.
3. In view of the disturbance by the private respondents, the petitioner filed a Title Suit No. 103 of 2019 before the learned Civil Judge (Junior Division) 2nd Court, Chandannagar, Hooghly. The Civil Court on 29th March, 2022 ordered temporary injunction in respect of 154 satak of land which is the suit property. The defendants were restrained from causing any disturbance to the petitioner in respect of enjoying his land.
4. Upon the defendants continuing to violate the order of injunction, the petitioner has applied for police

protection in the Court below under Section 151 of the Code of Civil Procedure.

5. The petitioner parallelly filed a complaint with the Haripal Police Station that was registered as FIR No. 226 of 2023 dated 24th May, 2023 under Sections 188/341/506/34 of the Indian Penal Code. The police have completed the investigation at lightening speed i.e. within a period of four days and charge-sheet was filed under Sections 188/341/323/506/34 of the Indian Penal Code. The accused persons are absconding.

6. In the above circumstances, this Court has clear evidence of the misconduct and illegality and violation of the order of injunction by the private respondents.

7. Haripal Police Station shall, at the cost of the petitioner, post a police picket comprising of two Constables for a period of one month from date, for the harvesting season. Deployment shall be made upon payment of costs.

8. The police shall submit a detailed report to the Court below.

9. This Court directs the learned Civil Judge (Junior Division) 2nd Court, Chandannagar, Hooghly to dispose of the petitioner's application under Section 151 of the Code of Civil Procedure within a period of one month from date mandatorily and positively.

10. The report of Haripal Police Station, Hooghly

Rural Police District dated 28th June, 2023 be kept with the record.

11. With the aforesaid directions, the instant writ petition shall stand disposed of.

12. There will be no order as to costs.

13. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)