

751 18.12.2023

WPA 13731 of 2023

NB Ct. 14

Dilip Kumar Malick & Ors.
Vs.
The State of West Bengal & Ors.

Ms. Shabana Hasin.
...for the petitioners.

Mr. Wasim Ahmed,
Md. Shehabuddin.
....for the State.

Mr. Suhrid Sur.
..for the respondent nos.5 to 13.

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

Despite service, no one appears on behalf of the State although the private respondents are represented.

Let Mr. Wasim Ahmed and Md. Shehabuddin, learned counsels who ordinarily appear on behalf of the State represent the State in this case. Their engagement may be regularised by the competent authority in due course.

A copy of the writ petition is handed over to Mr. Ahmed in Court.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the owners of the property in question. The private respondents own the adjacent land in question. They had a 'sali' land, which they illegally converted into 'bastu'. Now, they are trying to illegally encroach

upon the petitioners' land to use the same as a passage. Earlier, the private respondents had filed a civil suit, which was dismissed. The appeal preferred upon the respondents has also been dismissed. On the contrary, the petitioner filed a suit. The petitioner obtained an order of permanent injunction in the same. Despite this, the private respondents are continuing to violate the order and trying to grab the petitioners' property. This was brought to the notice of the police, but no action was taken.

Learned counsel appears on behalf of the private respondents submits as follows. The allegations made in the writ petition are denied. The appeal preferred by the private respondents being Title Appeal No.211 of 2015 is still pending. The appeal of the petitioner challenging the same is also pending. The dispute pending between the private parties is purely civil in nature.

Learned counsel appearing on behalf of the State submits that there appears to be a civil dispute existing between the private parties. However, the police shall keep a close watch on the developments in the locality.

It appears that there are several litigations pending between the private parties. However, the petitioners claim that an order of permanent injunction was granted in her client's favour in respect of the suit property.

If any of the parties wishes to establish any further right in respect of the said property, the same has to be done before a civil Court.

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

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)