

25.07.2023
Item No. 09
BR

WPA 14023 of 2023

Noor Khatun

-VS

The State of West Bengal & Ors.

Mr.Raj Kumar Ghosh,
Mr. Partha Somaddar
.... For the petitioner

Mr. Suman Ghosh,
Ms. Munmun Tewary
.... For the State

This is an application under Article 226 of the Constitution of India thereby praying for direction upon the responent authorities, especially the respondent nos. 2 and 3 to implement and comply with the order and direction passed by the learned Court of 4th Civil Judge (Junior Division), Howrah in Title Suit No. 295 of 2013.

Affidavit of service filed in Court today is taken on record. It appears that some of the private respondents could not be reached.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the landed property in question. The private respondents had been creating disturbances and trying to grab the property. Several complaints were made before the police authorities, but in vain. The police did not act on the complaint lodged by the petitioner regarding the illegal activities of the private respondents. The petitioner's statement was not even recorded.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. It appears that the learned Civil Court had held that the plaintiff being the petitioner had right, title, interest and possession over the suit property and that the defendants were restrained from interfering with the peaceful possession of the plaintiff. On the basis of this order the petitioner wants to have police assistance to build the boundary wall. The police have acted on the complaint made by the petitioner as well as the complaint made by other side. Investigation was done. Two FIRs and charge sheets were submitted.

I have heard the learned counsels for the parties and have perused the writ petition.

It appears that the police have already acted on the complaint made by the present petitioner as well as on the complaint made by the other side. After recording FIRs, investigation was done and charge sheets were submitted.

No further order need be passed in this regard.

So far as civil dispute between the private parties are concerned an order of a competent civil Court is already there.

However, the respondent police authorities shall keep a strict vigil at the locale and ensure that no order of the civil Court is violated.

With these observations, the writ petition is disposed of.

Since no affidavit is called for, the allegations made in the writ petition are deemed not to have been admitted.

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

(Jay Sengupta, J.)

