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13.9.2023
Ct. No. 14
SB

W.P.A. 15358 of 2023

Sk. Aysan

Vs.

The State of West Bengal & Ors.

Sk. Sahjahan Ali ... for the petitioner

Mr. Biswajit Konar

Mr. Arijit Mahinder ... for respondent nos. 6 & 7

Mr. Somnath Ganguli, A.G.P.

Ms. Priyamvada Singh ... for the State

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

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the property in question. However, the private respondents had been disturbing the peaceful possession of the petitioner and had been threatening and intimidating him. They have also tried to construct illegally a structure in the said property. The petitioner was constrained to file a civil suit and an ad interim order of injunction was passed directing both the parties to maintain *status quo*. In an application filed by the petitioner under Section 144 of the Code there was direction passed.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations in the writ petition are denied. In fact, the private respondents were the owners of the property in question. In fact, the petitioner has mentioned a different schedule in the application under Section 144 of the Code. The construction which is being made is in accordance with the sanctioned plan.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. This is primarily a dispute which is civil in nature. However, on the complaint of the petitioner the respondent authorities had initiated a proceeding under Section 107 of the Code. They are keeping a close watch on the situation.

It appears that there is a civil dispute pending between the private parties. If any relief is to be sought in this regard, the same has to be made before the learned Civil Court.

It also appears that police have also taken steps on the complaint filed by the petitioner and initiated a proceeding under Section 107 of the Code.

Therefore, no further order need be passed in this case.

However, the respondent authorities shall maintain a strict vigil at the locale and ensure that no breach of peace take steps and no order of a Civil Court is violated.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon completion of requisite formalities.

(JAY SENGUPTA, J.)