

D/L
Item No. 16
13.07.2023
KOLE

WPA 15441 of 2023

**Rajia Bibi & Ors.
-Vs.-
The State of West Bengal & Ors.**

Mr. Arun Shaw,

...for the petitioners.

Mr. Saheli Sen,

...for the State.

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to give protection to the petitioners' life and property and further directing them to take steps and prevent the rights of the petitioners being interfered with in any manner by the respondent nos. 7, 8 and 9 and other miscreants.

Affidavit of service filed on behalf of the petitioner is taken on record. Despite service, none appears on behalf of the private respondents though the State is represented.

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

Learned Counsel petitioner submits as follows. The petitioners are the co-sharers of a property in question. The private respondents who are also co-sharers had been trying to illegally make construction of a building on the area owned by the petitioners. A civil suit is pending in this regard. In fact, after such construction was started by the private respondents, the petitioners had approached the civil court and the civil court granted an interim order to maintain status quo. In spite of this, on several occasions

the private respondents have continued to make such illegal construction. This was brought to the notice of the police authorities, but without any substantial redressal.

Learned Counsel appearing on behalf of the State relies on the report and submits as follows. Once the complaint was made by the petitioner, a proceeding was initiated under Section 107 of the Code. The police is keeping a strict vigil at the locale.

I have learned Counsel for the parties and have perused the writ petition and the report filed by the State.

It appears that there is an order of a civil court to maintain status quo. This would essentially mean that no construction, illegal or legal, can be made on the suit premises.

In view of the above, the respondents police authorities are directed to maintain a strict vigil at the locale and to see that no violation of the civil court's order takes place till the order is either cancelled or revoked, even as an interim measure.

With these observations, this writ petition stands disposed of.

Since affidavits were not called for, the allegations made in the writ petition are deemed not to be admitted by the respondents.

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

(Jay Sengupta, J.)