

**03.08.2023
Item No. 11
BR**

WPA 15548 of 2023

**Harekrishna Pramanik
-vs
The State of West Bengal & Ors.**

**Mr.Tanmoy Basu,
Mr. Debdip Mondal,
Md. Aasif Iqbal
.... For the petitioner**

**Mr. Pantu Deb Roy, Ld AGP,
Mr. Subrata Guha Biswas
..... for the petitioner**

This is an application under Article 226 of the Constitution of India praying for directions upon the respondent authorities, especially the respondent nos. 2 to 4 to maintain law and order and protect the life and property of the petitioner by granting police help and to take appropriate steps against the respondent no. 5 for his wrong doings.

Affidavit of service filed in Court today is taken on record.

Despite service, no one appears on behalf of the private respondents.

Report filed by the State is also taken on record.

Learned counsel appearing for the petitioner submits as follows. The petitioner is the owner of the land in question. By an order 16.2.2015 passed by learned Civil Judge (Junior Division), Kakdwip , South 24-Parganas in Title Suit No. 41 of 2015 filed by the petitioner, an ad interim order of injunction in the form of status quo was passed. The plaintiffs and the defendants therein were directed to maintain status quo in respect of right, title, interest and possession of the suit property. In spite of this the private respondents continued to violate the order. The petitioner was constrained to move an application under Section 144 of the Code. By an order passed on 16.5.2023, the learned Executive Magistrate, Kakdwip , inter alia, directed that the order of the learned Civil Judge shall be complied. Yet, the order is being violated. In fact the private respondent again assaulted the petitioner for which a complaint had to be lodged.

Learned counsel appearing for the State relies on the report and submits as follows. The police

authorities have already taken steps on the complaint made by the petitioner. A specific FIR was lodged and a proceeding under Section 107 of the Code was also initiated. The police authorities are maintaining vigil in the locality so that no untoward incident takes place.

I have heard learned counsel appearing for the parties and have perused the writ petition and the report filed by the State.

It appears that the police have taken steps on the complaint made by the petitioner, a proceeding was initiated under Section 107 of the Code and an FIR was registered. In fact, charge sheet has been submitted in the same. If, further disturbance occurs, the petitioner shall be at liberty to approach the police.

No further order need be passed.

However, the police authorities shall remain vigilant and ensure that no breach of peace takes place at the locale and no order of any Court is violated.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)