

WPA 15746 of 2023

Swami Umananda Bramhachari
-vs-
The State of West Bengal & ors.

Mr. Jyoti Prakash Chatterjee
....for the petitioner
Mr. Dhananjay Banerjee
Ms. Oindrila Ghosh
...for the respondent no.5
Mr. Amal Kr. Sen, Ld. AGP
Mr. Lal Mohan Basu
..for the State

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

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the Managing Trustee of an organization which runs an Ashram at the place in question. A dispute had arisen between committee members. The petitioner was constrained to file a civil suit in this regard. By an order dated 17.02.2023 passed by the learned Civil Judge, Junior Division, Kalna, the defendants were restrained from changing the nature, character and disturbing peaceful possession of the plaintiffs in respect of the suit property. By an order dated 01.03.2023, the learned Civil Judge was pleased to allow an application under Section 151 of CPC praying for police help and directed the

I.C./O.C. Nadanghat Police Station to take necessary measures to see that the ad interim order of injunction dated 17.02.2023 is duly complied with. In spite of this, the private respondents are violating the said order. Police help was sought, but was not provided.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations made in the writ petition are denied. No civil suit would lie in respect of a trust property before the Civil Judge, Junior Division. Accordingly, an appeal has been preferred, which is pending. The private respondents are actually in possession of the property. A civil suit is also pending in this regard before the District Judge, Bardhaman.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. FIRs were lodged from both the sides earlier. These resulted in submission of charge sheets. However, there are civil suits and proceeding pending under Section 144 of the Code in respect of such property.

It appears that the petitioner was granted an interim injunction by a competent Civil Court. The Civil Court also directed the Officer in Charge of the local police station to render help to maintain such order. This order has not been set aside or stayed by any Court. Therefore, as of now, the police authorities shall be duty bound to comply with the order passed by the said Civil Court.

It further appears that there are other proceedings

including civil suits pending between the parties. If any of the parties claim any further relief in respect of the property, they shall be at liberty to do the same before the competent Civil Court.

It further appears that the police have taken action on the complaints made by either of the parties. FIRs were lodged. Report was filed in proceeding drawn up under Section 144 of the Code.

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

However, the respondent police authorities shall keep a close 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 be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)