

04 16.11.2023
NB Ct. 14

WPA 16218 of 2023

Jhuma Ghorui (Chakraborty) & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Tapash Kr. Bhattacharya,
Mr. Aviroop Bhattacharya,
Ms. Sahima Mollah.
...for the petitioners.

Mr. Somnath Ganguly, Id. AGP,
Ms. Priyamvada Singh.
...for the State.

Mr. Soumya Banerjee,
Ms. Sucheta Banerjee.
...for the respondent nos.4 to 8.

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

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

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners filed a suit in respect of the property in question and obtained an ex parte against the private respondents herein for recovery of khas possession of the property. In the second part of the order dated 21.07.1987 passed by the learned Munsiff, 1st Court, Arambagh in Title Suit No.38 of 1986 a permanent injunction was granted to the petitioner restraining the defendant from making any construction on the scheduled property. Yet, the private respondents are now undertaking a construction on the said property in violation of the Court's order. Police was

approached, but did not take any steps. The petitioners now have also taken steps to have the decree executed.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations made in the writ petition are denied. The petitioners did not have the decree in question executed.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. Pursuant to the complaint made by the petitioners, the respondent authorities have already taken steps. It was found that the claims of ownership by the petitioners were true and also found that at a portion of the said property, the private respondents had erected a permanent construction. Therefore, the police authorities have asked the private respondents to abstain from erecting any further construction. A proceeding under Section 107 of the Code has also been initiated in this regard.

It appears that the police authorities have already taken steps on the complaint made by the petitioners.

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

However, the respondent police authorities shall keep a sharp vigil at the locale and ensure that no breach of peace takes place and to see that no order of a civil Court is violated.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)

