

WPA 16578 of 2023

Sanjib Ghorai

-vs-

State of West Bengal & ors.

Mr. Gautam Banerjee

Mr. Sandip Kumar Mondal

... for the petitioner

Mr. Subrata Karmakar

Mr. Md. Ali Ahasan

...for the private respondents

Mr. Amal Kr. Sen

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 was gifted some landed property by his grandparents. However, the respondent no.4 being the uncle of the petitioner had been creating disturbance to the petitioner from peacefully and gainfully enjoying the said property. The petitioner was constrained to file an application under Section 144 of the Code before the learned Magistrate and an order was passed to maintain peace. Despite making representation before the police authorities, no steps have been taken by them in this regard.

Learned counsel appearing on behalf of the private respondents submits as follows. There is a civil suit for

partition of the property pending between the adverse sides. Any remedy for any of the parties involved lies before the Civil Court.

Learned counsel appearing on behalf of the State relies on a report and submits that after getting a complaint from the petitioner, the police have already started a proceeding under Section 107 of the Code. The police authorities are keeping a sharp vigil at the locality.

I have heard the submissions of the learned counsels for the parties and have perused the writ petition and the report filed by the State.

It appears that there is a civil dispute between the private parties. There is also an order passed by the learned Magistrate under Section 144 of the Code.

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

However, the police authorities shall keep a strict vigil at the locale and ensure that no breach of peace takes place.

Since affidavits were not called for, allegations are deemed not to have been admitted.

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.)