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14.08.
2023
Ct. No.14

WPA 16790 of 2023

Kapish Jalan
Vs.
The State of W. B. & Ors.

Mr. Mahendra Prasad Gupta
Ms. Antara Panja
.....For the Petitioner
Mr. Somnath Ganguli
Ms. Priyamvada Singh
.....For the State
Mr. Kushal Chatterjee
Mr. Debrup Choudhury
.....For the Private Respondents

This is an application for direction upon the State to ensure that no interference is caused in respect of the property being Premises No. 1, Kishan Dayal Jalan Road, P. S. Malipanchgora, District Howrah at the behest of the private respondents.

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

Copies and documents filed on behalf of the private respondents including a document pertaining to Title Suit No. 915 of 2023 and documents from Howrah Municipal Corporation are taken on record.

Let copies of the same be handed over to the learned counsel for the other sides.

Learned counsel appearing for the petitioner submits as follows. The petitioner is the owner of the

property in question. The private respondents had been trying to grab the property and raise illegal construction over the same. The petitioner made a complaint before the local police station on 17.06.2023, but no action was taken by the police authority. Other complaints have also been made by the petitioner, but in vain.

Learned counsel appearing for the private respondents relies on copies of the documents and submits as follows. The private respondents are the recorded owners of the property in question. They have already filed a Title Suit being Title Suit No. 915 of 2023 before the learned Civil Judge (Jr. Division), 3rd Court, Howrah. By an order dated 26.06.23, the learned court restrained the defendants including his men and agents from interfering with the peaceful possession and enjoyment of the plaintiffs over the suit property. He also relies on a document of the Howrah Municipal Corporation granting him a permission to repair his damaged boundary wall and factory shed.

Learned counsel appearing for the State relies on a document and submits as follows. It appears that the private respondents are in possession of the property and they have obtained permission from the Howrah Municipal Corporation to repair certain damaged tin shed, etc.

I have heard the submissions of the learned counsels appearing for the parties and have perused the writ application, the report filed by the State and copies of the documents filed by the private respondents.

It appears that a civil dispute exists between the petitioner and the private respondents. It further appears that the private respondents have obtained an order of ad interim order of injunction in a civil suit. Therefore, the petitioner shall be at liberty to agitate his points before the Civil Court and pray for appropriate relief.

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

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

The writ petition is disposed of with these observations.

Urgent photostat certified copy of this order, if applied for, be given to the parties on urgent basis after completion of all necessary formalities.

(Jay Sengupta, J.)

