

09.08.2023
rc/ct.no.14
Item No.20

WPA No. 17267 of 2023
Ramchandra Aich
Versus
The State of West Bengal & Ors.

Adv. J. Alam
Adv. Sk. Nezamuddin ...for the petitioner

Adv. Sk. Md. Galib
Adv. Jyotsna Roy Mukherjee ...for the State

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to implement an order of the learned Civil Court.

Affidavit of service filed earlier indicate service upon the some of the respondents but the other had left address without instructions.

Report filed by the State-respondents is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the land in question. The private respondents being the adjacent land owners are harassing and disturbing the petitioner's possession of the property. The private respondents are trying to grab the petitioner's property and make illegal construction. This prompted the petitioner to file a civil suit and an ad-interim order of injunction was passed in favour of the petitioner and the defendants were restrained from disturbing the peaceful

possession over the suit property. Thereafter, pursuant to an application under Section 151 of the Code of Civil Procedure the Officer-in-Charge, Keshiary Police Station, Paschim Medinipur was directed to render police assistance to implement the order dated December 10, 2014. Yet, the police have not rendered any assistance despite intimation and the private respondents are continuing to violate the learned Civil Court's order.

Learned counsel appearing on behalf of the State-respondents relies on a report and submits as follows. A civil dispute exists between the petitioner and the private respondents. However, on receiving complaint from the petitioner steps have already been taken by the police and a proceeding was initiated under Section 107 of the Code. Upon enquiry it was also found that no illegal construction is taking place over the suit property. The police is keeping sharp a vigil in the locality.

I have heard the learned counsel appearing on behalf of the parties and have perused the writ petition and the report filed by the State-respondents.

It appears that a civil suit is pending in respect of the property in question. The petitioner was granted an order of adinterim injunction and the local police was directed to comply with the civil court's order.

It further appears that the police have taken some steps like initiating a proceeding under Section 107 of the Code on the complaint of the petitioner.

It is also found that no illegal construction is being done at the said premises.

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

However, police shall keep sharp vigil at the locality and ensure that no breach of peace takes place.

If the petitioner finds that the order of the learned Civil Court is getting violated, he shall be at liberty to intimate the local police station and the local police station shall take steps accordingly.

With the above observations and directions, this writ petition is disposed of.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Jay Sengupta,J)