

2.08.2023
Item No. 18
BR

WPA 17797 of 2023
Bijay Bera @Raipada Bera
-vs
State of West Bengal & Ors.
Mr. Arun Kumar Das

.... For the Petitioner

This is an application praying for direction upon the respondent authorities, especially the respondent no. 5 to take immediate and appropriate steps against the private respondents in terms of the order of status quo dated 3.5.2023 passed by the learned Civil Judge (Senior Division), Contai, Purba Medinipur.

Affidavit of service filed in Court today is taken on record.

Despite service, no one appears on behalf of the private respondents.

Report filed by the State is also taken on record.

Learned counsel appearing for the petitioner submits as follows. The petitioner is the owner of the land in question . The private respondents being

the co-sharers of the property are creating disturbances to the peaceful possession of the property by the present petitioner. The petitioner was constrained to file a civil suit pursuant to which an order was passed directing both the plaintiffs and the defendants to maintain status quo in respect of nature, character and possession of the scheduled property as on date. In violation of this, the private respondents are carrying illegal construction work on the property. In spite of bringing this to the notice of the local police authority no police help was rendered.

Learned counsel appearing for the State relies on the police report and submits as follows. The present dispute between the private parties is purely civil in nature and a civil suit is already pending. In spite of this after getting an intimation from the petitioner that the private respondents were violating the Court's order, a notice was sent to the private respondents asking them to show cause in this regard. A proceeding was also initiated under Section 107 of the Code against the private respondents.

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

It appears that civil suit is also pending between the private parties.

If there is violation of the same by a party, it shall be open to the other side to bring it to the notice of the learned civil Court.

It also appears that after complaints were made by the petitioner about violation of the Civil Court's order police have already taken steps. The respondents were asked to show cause and a proceeding was initiated under Section 107 of the Code.

Therefore, no order need be passed in this regard.

However, the police shall keep a strict vigil at the locality so that no breach of peace takes place and there is no violation of Civil Court's order.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be given

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to the parties as expeditiously as possible.

(Jay Sengupta, J.)