

WPA 18034 of 2023

Swapan Mondal & ors.

-vs-

State of West Bengal & ors.

Mr. Gobinda Chandra Baidya

Mr. Gobinda Baidya

... for the petitioners

Mr. Anjan Dutta

Mr. Tamal Ghosh

...for the private respondents

Mr. Wasim Ahmed

Mr. Sk. Md. Masud

...for the State

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to prevent the respondent authorities from making any illegal construction over the land purchased by the petitioners and to maintain law and order.

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

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the owners of the land in question. The private respondents have been disturbing the petitioners in relation to his enjoyment of the property in question. This prompted the petitioners to lodge a civil suit being Title Suit No. 284 of 2020 before the learned Civil Judge, Junior Division, 6th Court, Alipore. By

an order dated 04.03.2020, the learned Court passed an ad interim order of injunction ex parte directing both the parties to the suit to maintain status quo in respect of nature, character and possession of the suit property till a certain date. Thereafter, an application has been made under Section 151 of the Civil Procedure Code for police help. But the same has not been taken up for hearing as yet. Despite bringing this to the notice, the police also have acted.

Learned counsel appearing on behalf of the private respondents submits as follows. There is a civil dispute between the private parties. The petitioners and the private respondents are the co-owners of a property. If at all, the petitioners relief lies before the learned Civil Court.

Learned counsel appearing on behalf of the State submits as follows. This is an essentially civil dispute that exists between the private parties. However, the police are keeping a strict vigil at the locale.

I have heard the submissions of the learned counsels for the parties and have perused the writ petition.

It appears that a civil suit is pending between the private parties. An ad interim order of injunction has also been passed directing both the parties to maintain status quo. The petitioners shall be at liberty to pursue their reliefs before the learned Civil Court in having the application heard and necessary prayers made.

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

place and no order of a Civil Court is violated.

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.)