

553 04.12.2023
NB Ct. 14

WPA 18092 of 2023

Banku Behari Manna @ Bankim Manna
Vs.
The State of West Bengal & Ors.

Ms. Shebatee Datta,
Ms. Poulami Roy.
..for the petitioner.

Mr. Somnath Ganguli Id. AGP,
Ms. Kalpita Paul.
...for the State.

Mr. Imran Siddiqui,
Mr. Snehashis Sen.
...for the private respondent.

Exception to the report of the State filed on behalf of the petitioner is taken on record.

Opposition filed on behalf of the private respondent is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The partition of the property had not finally taken place. Demarcation of each other's share was also not made. In spite of this, the developer engaged by the West Bengal Housing Board started working on the land. The petitioner was constrained to move an application before the civil Court. The civil Court granted an ad-interim injunction of status quo. Despite direction upon the police to execute the order, no such help has been rendered. The police are not even entertaining the petitioner's complaint.

Learned counsel appearing on behalf of the private respondent submits that the allegations made in the writ petition are denied. The private respondent has not yet started any

discernable activity on the land. The suit is pending and the private respondent shall abide by the outcome or by any interim order passed.

Learned counsel appearing on behalf of the State denies the allegation of the police inaction and submits that it is difficult to act on any complaint of the petitioner as the land has not been even demarcated. No significant activity of construction has been seen either.

It appears that there is a civil dispute pending between the private parties.

No significant activity regarding the alleged construction work is apparent.

If any of the parties want to establish any further right in respect of the property, the same has to be done before a civil Court.

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

However, the police authorities shall keep a sharp vigil at the locale, ensure that no breach of peace takes place and see to it that no order of a civil Court is violated.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)