

WPA 18150 of 2023

**Ramakrishna Mandal & Ors.
-Versus-
The State of West Bengal & Ors.**

Mrs. Pampa Dey Dhabal, Adv.,
Mr. Nikhil Kumar Gupta, Adv.

...for the petitioners.

Mr. Amitesh Banerjee, Ld. Sr. St. Counsel,
Mr. Tarak Karan, Adv.

...for the State.

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

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

Report filed on behalf of the State is also 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 are outsiders who are disturbing the peaceful possession of the petitioners in respect of such property. This prompted the petitioners to approach the learned Civil Court. By an order dated March 23, 2023, passed in T.S. No. 96 of 2017 the learned Civil Judge (Junior Division), Bishnupur, decreed the said suit *ex parte* against the defendants. It was further declared that the plaintiffs had right, title and interest over the suit property. The

plaintiffs were granted a further decree of permanent injunction against the defendants. Despite this, the respondents are violating such order and obstructing the petitioners from enjoying their land.

Learned Counsel for the State relies on the report and submits that the petitioners should have approached the Executing Court. For this, several cases and counter-cases have been initiated against both the parties. The Police filed charge-sheets on complaints filed by the private parties and there is a proceeding initiated under Section 107 of the Code of Criminal Procedure, 1973.

It appears that a civil suit was decreed in favour of the petitioners. It is the petitioners' allegation that the order is being violated by the private respondent.

It further appears that the Police have taken some steps on the complaints filed by the private parties. Charge-sheets have been submitted on the FIRs lodged. A proceeding has also been initiated under Section 107 of the Code of Criminal Procedure, 1973.

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

However, the respondent authorities shall maintain a sharp 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 being WPA 18150 of 2023 is disposed of.

Let urgent photostat certified copy of this order, if applied of, be made available to the parties upon compliance with all necessary formalities.

(Jay Sengupta, J.)