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24.08.
2023
Ct. No.14

WPA 18302 of 2023

Golam Mortaja Mandal
Vs.
The State of W. B. & Ors.

Mr. A. Khan
Mr. Pronojit Roy
.....For the Petitioner
Ms. Ipsita Banerjee
Mr. Tarak Karan
.....For the State
Mr. Shashan Shah
Mr. Soumen Barman
.....For the Respondent Nos. 5 and 6

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner and the private respondents are the co-sharers in respect of the ancestral property. A deed of partition was executed between the parties and the petitioner was allotted a portion. The private respondents are trying to grab such property. Successive applications under Section 144 of the Code had to be filed. Even a compromise was arrived at. Yet, the private respondents are continuing to commit such mischief.

Learned counsel for the private respondent nos. 5 and 6 submits that there is a civil suit pending in this regard. The petitioner is also a party therein and an order of status quo has been granted in respect of the possession of the property. The Section 144 proceeding initiated by the petitioner has been

dropped.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. There is a long standing dispute between the private parties. So far as the police are concerned, they have already initiated a proceeding under Section 107 of the Code. Since a civil suit is pending between the parties regarding the property in question, the further grievance of the parties have to be addressed before that court.

It also appears that the State respondents have already initiated a proceeding under Section 107 of the Code. As such no further order need be passed in this regard.

However, the police authorities shall keep 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 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on urgent basis after completion of all necessary formalities.

(Jay Sengupta, J.)

