

11 29.08.2023
NB Ct. 14

WPA 18388 of 2023

Saradindu Nandi
Vs.
The State of West Bengal & Ors.

Mr. Debasish Kundu,
Ms. Juin Dutta Chakraborty.
...for the petitioner.

Mr. Tarak Karan.
...for the State.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the property in question. The private respondents had been disturbing his possession and preventing him from cultivating the land. This compelled the petitioner to approach the learned Magistrate with an application under Section 144(2) of the Code. By an order dated 24.07.2023, the learned Magistrate passed an interim order of protection to the petitioner in respect of cultivation of land. The petitioner approached the police station with the order for compliance, but the police did not take any steps.

Learned counsel appearing on behalf of the State relies on the report, which is taken on record and submits as follows. The petitioner and the private respondents are relatives. There is a long-standing dispute between the parties. A civil suit being TS Case No.101 of 2017 is pending in this regard before the learned Civil Judge (Junior Division), Bishnupur. However, upon a complaint filed by the petitioner, the police had taken steps and started Indas PS Case No.54 of 2023 dated 10.03.2023

under Sections 323, 341, 354A, 506 and 34 of the Penal Code. A proceeding under Section 144 and 107 is also pending. The police in keeping a sharp vigil in the locality.

The interim order passed by the learned Magistrate under Section 144 of the Code seems to have exceeded the mandate of the provision.

Be that as it may, it appears that a civil suit is pending between the parties. If, any of the parties have any further grievance, they shall be at liberty to ventilate the same to the learned Civil Court.

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

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

With these observations, the writ petition is disposed of without any order as to costs.

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

(Jay Sengupta, J.)