

August 29, 2023
AD 13
Court No.14
SG

WPA 18435 of 2023

Tapan Das
vs.
The State of West Bengal and others

Mr. Anjan Datta
Mr. Balaram Pandit
Mr. Krishna Deo Das

... for the petitioner

Mr. Suman Sengupta
Mr. Sanatan Panja

... for the State

Affidavit of service filed in Court is taken on record.

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

Learned advocate for the petitioner submits that the petitioner is the owner of the property in question. The private respondents are rank outsiders having no rights, title and interest in the property. Yet, they have been disturbing the petitioner's peaceful possession and enjoyment of the property. The petitioner was compelled to approach learned civil court by filing a case being TS No.59 of 2023 before the learned Civil Judge, Junior Division, Dantan. By an order dated 11.04.2023 learned civil court passed an order of status quo and directed the parties not to change the nature and character of the suit property. Yet, the private respondents are continuing to violate such order and make illegal construction over the said property. This was brought to the notice of the police authorities, but no effective steps were taken.

Learned advocate for the State relies on a report, which is taken on record and submits that the private respondents have filed a civil suit being TS No.73/23 before the Civil Judge, Junior Division, Dantan. By an order dated 29.04.2023 learned civil court restrained the defendants from obstructing the construction work of the plaintiffs over the suit property and/or from dispossessing the plaintiffs from the suit property. The fact that the private respondents had also obtained an order, which although contained in the writ petition, was not specifically agitated before this Court.

Be that as it may, it seems that there are civil suits pending between the adverse parties. Any grievance of either of the parties may have ought to be agitated in such civil suits.

Therefore, no further order needs to be passed in this matter.

However, the police shall ensure that no breach of peace takes place at the locale.

With the aforesaid observations, the writ petition is disposed of.

Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

[Jay Sengupta, J.]