

562 23.11.2023
NB Ct. 14

WPA 18836 of 2022

Neha Srivastava @ Neha Shrivastava & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Kallol Mondal,
Mr. Aniruddha Bhattacharyya.
..for the petitioners.

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

No one appears on behalf of the private respondents although notice had been sent to them as would be evident from the affidavit of service filed earlier.

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 ground floor of a property. They wanted to purchase the first floor of the property from the respondent no.16 and made substantial payments for the same. However, the other private respondents, thereafter created disturbances and forced the respondent no.16 to purportedly execute a deed in their favour. The private respondents had also been disturbing the peaceful possession and enjoyment of the property upon the petitioners. They attacked the flat of the petitioners and looted away articles. Although this was brought to the notice of the police authorities, they have hardly taken any serious measures to inspire confidence in the petitioners.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. There is a long standing dispute regarding property between the private respondents. Initially the respondent no.16 had agreed to sell the first floor of the flat to the petitioners. However, subsequently the money taken was returned. On a complaint made by a relative of the petitioners, an FIR was lodged in 2021. Charge sheet has been submitted for the same. Thereafter, there are several complaints from either side. These were entertained by the police authorities and initiated proceedings under Section 107 of the Code of Criminal Procedure.

It appears that a dispute exists between the private parties over purchase of a first floor flat.

But the petitioners' case is that they owned the ground floor flat and the private respondents had been disturbing their possession.

If any of the parties want to establish any claim for the first floor flat, they shall be at liberty to do so before a civil Court.

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

If any untoward incident occurs or is apprehended by the petitioners, they shall be at liberty to intimate the same to the local police station who shall then act in accordance with law.

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.)