

August 29, 2023
AD 17
Court No.14
SG

WPA 18477 of 2023

Tarun Kanti Mondal
vs.
The State of West Bengal and others

Mr. Anjan Bhattacharya
Mr. Sandip Kumar Mondal
Ms. Riya Das

... for the petitioner

Ms. Ipsita Banerjee
Mr. Tarak Karan

... for the State

Affidavit of service filed in Court is taken on record.

A report filed by the State is also taken on record.

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 constrained to file a civil suit in this regard and an ad interim order of injunction of status quo was passed in the same. The petitioner wants that the police shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

Learned advocate for the State relies on the report which is taken on record and submits that on the complaint of the petitioner, a proceeding under Section 107 of the Code has already been initiated. In any event,

the petitioner has approached the civil court where his remedy lies.

It appears that the police authorities have already taken action on the complaint of the petitioner by initiating a proceeding under Section 107 of the Code.

The petitioner shall be at liberty to pray for appropriate relief before the learned civil court.

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 civil court is violated.

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.]