

August 30, 2023
AD 8
Court No.14
SG

WPA 18539 of 2023

Narayan Chandra Sarkar and another
vs.
The State of West Bengal and others

Mr. Diptendu Banerjee
Mr. Samrat Paul
Ms. Pinky Sarkar

... for the petitioners

Mr. Amal Kumar Sen
Mr. Lal Mohan Basu

... for the State

Learned advocate for the petitioners submits as follows. After retirement the petitioner No.1 and his wife being the petitioner No.2 decided to go back to their village residence at Keuguri, PS Ketugram, District Purba Bardhaman. But, the private respondents who are the co-sharers of the property, prevented them from entering into such property. The private respondents had obstructed and assaulted the petitioners which prompted the petitioners to file an FIR. Charge-sheet has already been submitted. But, the same incidents were repeated when the petitioners again went to their village residence. The petitioners pray for protection of their lives and property.

Learned advocate for the private respondents submits as follows. The private respondents have never committed any offence. They had not even obstructed the petitioners from entering into such property.

Learned advocate for the State submits as follows. There is a property dispute between the petitioners and the private respondents. However, no civil suit has been filed and only a proceeding under Section 144 of the Code was initiated. After the police came to know about the initial incidents of wrongdoings, they started a specific FIR. Charge-sheet has already been submitted. On the allegations made by the petitioners regarding the recent incidents, a proceeding has been initiated under Section 107 of the Code. The police are keeping a close watch in the locality.

It appears that the petitioners and the private respondents are having a property dispute.

However, it is claimed by the private respondents that they have not tried to prevent the petitioners from entering into such property in which all are co-sharers.

If any relief is sought by any of the parties, then the appropriate forum will be a civil court.

However, the police shall keep a vigil at the locale and ensure that no breach of peace takes place and no order of a 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.]

