

**HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

WPA 18926 of 2022

Baisakhi Sangha and another

vs

State of West Bengal and others

For the petitioners	Mr. Soumya Majumder Mr. Sourav Sen Ms. Sumitra Das
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For the State	Mr. Wasim Ahmed Mr. M. Shehabuddin
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For the Respondent No.4.	Mr. Md. Sahahuddin Mr. Md. A. Zaman Mr. Md. Raziuddin
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For the Respondent No.5.	Mr. Md. Hafiz Ali Mr. H.R. Molla
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Heard on	25.09.2023
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Judgment on	25.09.2023
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JAY SENGUPTA, J:

This is an application praying for direction upon the respondent authorities to take appropriate action against the respondent No.5 and his men and agents for disturbing the peaceful possession of a property by the petitioners.

Learned advocate appearing for the petitioners submits as follows. The petitioner No.1 is a well reputed socio-cultural organisation of South Kolkata. The club was founded in April, 1937. It undertakes various sports and cultural activities and also runs a library. The club had been paying rent regularly. However, some disputes have arisen regarding management of the respondent No.4. For sometime the private respondent had been sending their henchmen and other anti-social elements to the club to spoil the atmosphere so that the participants in the club get scared. This has been brought to the notice of the police authorities, but no help was rendered.

Learned advocate for the respondent No.4 submits as follows. The allegations made in the writ petition are denied. Upon an inquiry done by the officers of the respondent No.4, it was found that the petitioners were indulging in making permanent unauthorized constructions.

Learned advocate for the State submits as follows. The issues raised by the private respondents seem to be of civil nature. The police shall keep a close watch in the locality and ensure that peace is maintained.

At this stage, learned advocate for the petitioners denies the allegations that any unauthorized construction of permanent nature has been undertaken by the petitioners.

It appears that the private respondent may have a dispute of civil nature against the petitioners. It does not give a right to anyone, even if it is the land-owner, to send men to disturb the possession of the petitioner No.1 in respect of the said property.

In view of the same, the police shall keep a strict vigil at the locale and ensure that no breach of peace takes place.

In the event any untoward incident occurs or is apprehended by the petitioners, the petitioner No.2 shall be at liberty to call up the Officer-in-Charge of local police station who shall then act in accordance with law.

With these 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.]

SG

