

03 15.09.2023
NB Ct. 14

WPA 18739 of 2023

Sk. Altaf Hossain
Vs.
The State of West Bengal & Ors.

Mr. Amitabha Ghosh.
...for the petitioner.

Mr. Amal Kr. Sen, Id. AGP.,
Mr. Jaladhi Das.
...for the State.

Mr. Himadri Kumar Mahata.
...for the respondent no.4.

A fresh report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The private respondent had obtained an order under Section 144(2) of the Code directing the Officer-in-Charge, Chanditala Police Station to restrain the opposite parties therein and to maintain peace. In the schedule of the application, it was clearly stated that the property pertained to Dag No.3995. The suit property, according to the records, is a 'Doba' and it does not belong to the petitioner. The petitioner is the owner of the property at the LR Plot No.3998, which is an agricultural land. Yet, the police authorities are illegally restraining the petitioner from cultivating the land at LR Plot No.3998.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. Upon enquiry, it has been found by the respondent police authorities that the order

was not passed in respect of LR Plot No.3998. Therefore, the police authorities are not restraining the petitioner, in any manner from any activity over LR Plot No.3998.

Learned counsel appearing on behalf of the private respondent submits that not only a proceeding under Section 144 of the Code is pending between the private parties, there is also a civil suit pending in this regard.

It does not appear that there is a restraining order passed by a civil Court in respect of the property in question i.e., LR Plot No.3998 in their report. The State has also categorically mentioned that they are not restraining the petitioner in respect of LR Plot No.3998.

Therefore, no further order need be passed in this regard.

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

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.)