

04.09.2023

WPA 18772 of 2023

**Akbar Mallick
Vs.
The State of West Bengal & Ors.**

Mr. Jyoti Prakash Chatterjee

... .. for the petitioner

Ms. Ipsita Banerjee

Mr. S. Adak

... .. for the State

Mr. Atanu Biswas

Mr. Bikram Basak

... .. for the respondent no.6

Affidavit of service filed on behalf of the petitioner is taken on record.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing for the petitioner submits as follows. The petitioner is the owner of the landed property in question. The private respondents have been harassing, threatening and intimidating them for quite sometime and preventing them from enjoying their property peacefully. The petitioner was constrained to file a Title Suit No.27/2023 presently pending before the learned Civil Judge, Senior Division, Kalna, Purba Bardhaman. By an order dated 21st March, 2023 learned Civil Court pleased to direct the plaintiff as well as defendants to maintain status quo of the suit property. However, the private respondents continued to violate the order passed. On 27th April, 2023, learned Civil Court allowed the petitioner's application under section 151 of the Code of Civil Procedure and directing the O.C., Kalna

Police Station to take necessary action. In respect of this, no help has been rendered by the police. On the contrary, the private respondents were emboldened to cause further harassment and assault on the petitioner.

Learned counsel appearing on behalf of the private respondent no.6 submits as follows. The allegations made in the writ petition are denied. The petitioner was given more land than he had purchased. This led to a dispute. However, the private respondents are not creating any disturbance to the petitioner. In facts, some of the complaints annexed to the writ petition are against some others.

Learned counsel appearing on behalf of the State relied on the report and submits as follows. There is a civil suit pending between the adverse parties. However, after receiving the complaint from the petitioner, steps have been taken. Several FIRs were lodged and a proceeding was initiated under section 107 of the Code of Criminal Procedure.

It appears that a civil suit is pending between the adverse parties and order of status quo was granted. The petitioner's application under section 151 of the Code of Civil Procedure was also allowed to render police help.

The allegation of threat, intimidation and assault levelled by the petitioner is disputed by the private respondents.

In view of the above, let the respondent authorities keep a sharp vigil and see that no order of Civil Court is violated.

In the event any untoward incident takes place or is apprehended by the petitioner, he shall be at liberty to report it to the same to the local police station, who shall act in accordance with law.

With the aforesaid observations, the writ petition is disposed of.

As affidavits were not called for, the allegations made are deemed not to have been admitted.

Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Jay Sengupta, J.)