

August 31, 2023
AD 24
Court No.14
SG

WPA 18776 of 2023

Sk. Jakiruddin and others
vs.
The State of West Bengal and others

Mr. Siddhartha Sarkar
Mr. Hirak Ray
Mr. Prasad Bhattacharjya
... for the petitioners

Ms. Ipsita Banerjee
Mr. Tarak Karan
... for the State

Affidavit of service filed in Court is taken on record.

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

Learned advocate for the petitioners submits as follows. There are some litigations going on between the petitioners and the private respondents who are related by blood. This relates to some landed property. As the private respondents were disturbing the petitioners' peaceful possession on their land, the petitioners were constrained to file a title suit. In the year 2016, an order of injunction was granted to maintain status quo. Thereafter, a compromise was arrived at between the parties. So the petitioners withdrew the suit. However, the private respondents did not keep their word and continued to violate the agreed terms and disturbed the possession of the petitioners of their property. In 2023, the private respondents themselves filed a title suit. A similar order of injunction of status quo was granted

restraining both the parties from changing the nature and character of land. In the meantime, several criminal cases had been started against each other. Now, the private respondents are again threatening and intimidating the petitioners. For this, the petitioners prayed for police protection, but in vain.

Learned advocate for the private respondents submits as follows. The allegations made in the writ petition are denied. The private respondents are at the receiving end of all the troubles. In fact, the petitioners are now violating the order of injunction of status quo passed by a civil court. The private respondents also seek protection from the police as regards the threat and intimidations made by the petitioners. The writ petition cannot stand on the basis of the representation made by the petitioners.

Learned advocate for the State relies on the report and submits as follows. The dispute regarding the land had existed between the private parties since long. Several criminal cases were filed against each other. Charge-sheets were filed. The police have also acted by instituting a proceeding under Section 107 of the Code. In relation to the recent proceeding under Section 144 of the Code, the police have given notice while making inquiry. The police are keeping a strict vigil at the locale.

It appears that a property dispute between the private parties had led to the filing of criminal cases as well as two civil suits.

Either of the parties shall be at liberty to ventilate their grievance before the civil court.

So far as the maintenance of peace is concerned, the police have also acted by registering FIR, filing charge-sheet and taking steps in respect of other proceedings.

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

The police authorities 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 from either side.

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.]