

September 4, 2023
AD 27
Court No.14
SG

WPA 18990 of 2023

Amar Barik
vs.
The State of West Bengal and others

Mr. Abhinaba Dan
... for the petitioner
Mr. Wasim Ahmed
Mr. Sk. Md. Masud
... for the State

Mr. Rabindranath Mahata
Mr. Aritra Shankar Roy
... for the respondent Nos.5, 7, 8 & 9

Learned advocate for the petitioner submits as follows. The petitioner is the power-of-attorney holder in respect of Sri Sri Iswar Jagannath Jew Thakur situated over an area of 3.38 acres at Garbeta, Paschim Medinipur. Sri Sri Iswar Jagannath Jew Thakur is the family deity of Jagannath Panda and some others. After the death of the founder sebaite, his legal heirs become the sebaits. As they are not the inhabitants of the area, they had to execute a power-of-attorney in favour of the petitioner to look after the property including the temple, cultivation and daily worship of the deity. All of a sudden, the respondent Nos.5 to 9 started disturbing the peaceful possession and occupation of the petitioner in respect of the property. The petitioner approached the civil court with TS No.427/22. Learned Civil Judge, Senior Division, 3rd Court, Paschim Medinipur passed an order of ad interim injunction restraining the defendants from disturbing the peaceful possession of the plaintiffs

over the property. On 20.08.2022 the petitioner's prayer for police help in terms of Section 151 of the Code was allowed. Despite this, the police have not done anything. The private respondents continue to disturb the petitioner.

Learned advocate for the respondent Nos.5, 7, 8 and 9 submits that the respondent No.6 died on 26.02.2023. While the petitioner has obtained a power-of-attorney from four sebaits of the deity, the private respondents have been granted power-of-attorney by 14 sebaits. They have already approached the civil court in this regard and by the order dated 16.05.2023 passed in TS No.427/2022, the ad interim order passed on 06.08.2022 was modified. The plaintiffs and the defendants were directed to maintain status quo in respect of their possession and nature and character of the schedule property.

Learned advocate for the State relies on the report and submits as follows. There is an existing civil dispute pending between the private parties. However, on the complaints of the petitioner, action has already been taken and a proceeding under Section 107 of the Code has been initiated.

It appears that a civil suit is pending between the parties. As per the order dated 16.05.2023, the plaintiffs and the defendants were directed to maintain status quo in respect of their **respective** possession and nature and character of the schedule property.

The police have already taken steps on the complaint of the petitioner by initiating a proceeding under Section 107 of the Code.

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

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

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.]