

WPA 19338 of 2023

Hakim Mondal & ors..

-vs-

State of West Bengal & ors.

Mr. Sudarshan Ghosh

...for the petitioners

Mr. Asim Kr. Ganguly

Mrs. J. Roy Mukherjee

...for the State

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

Despite service, no one appears on behalf of the private respondents.

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

Copy of the report is handed over to the learned counsel for the petitioners.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner is the owner of the land in question. The private respondents have no right, title and interest in respect of the said land. Yet, they had been disturbing, harassing and intimidating the petitioner for quite some time. They are trying their best to prevent the petitioner from cultivating the said land. This prompted the petitioner to move the Civil Court. By an order dated

05.12.2022 passed by the learned Civil Judge, Jr. Division, 3rd Court, Baruipur passed in T. S. No. 776 of 2022. The defendants therein were directed to not to disturb the peaceful possession and cultivation of the plaintiff of the suit property. This interim order was extended from time to time. In spite of this, the private respondents have violated the order and the police have taken no steps.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. There are cases and counter cases pending between the adverse parties. Several FIRs was lodged. On the basis of the complaint of the petitioner, a specific FIR being Bakultala Police Station Case No. 113 of 2021 dated 08.05.2021 was registered. A charge sheet has also been submitted therein. The police are keeping a watch in the locality.

It appears that the petitioner was granted an ad interim order of injunction thereby restraining the defendants from disturbing the peaceful possession of the petitioner of his property.

The private respondents or anyone else has no right to disturb the peaceful possession of the property, except according to due process of law.

In view of the same, the respondent police authorities shall keep a sharp vigil at the locale and ensure that no breach of peace takes place and that no order of a Civil Court is violated.

If any untoward incident take place or is apprehended,

the petitioner shall be at liberty to intimate the same to the Officer in Charge of the local police station who shall act on such allegations in accordance with law.

With these observations, the writ petition is disposed of.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)