

September 6, 2023
AD 25
Court No.14
SG

WPA 19416 of 2023

Manas Ranjan Bhowmick
vs.
The State of West Bengal and others

Ms. Kakali Chatterjee
Mr. Debasish Chatterjee
... for the petitioner
Mr. Ashim Kumar Ganguly
Ms. Jyotsna Roy Mukherjee
... for the State
Mr. Subhas Jana
... for the private respondent

Affidavit of service filed in Court is taken on record.

Learned advocate for the petitioner submits as follows. The petitioner is the owner of the land in question that he had received the same as a gift from his father. He got his name mutated in the record of rights. In spite of this, the private respondent had been disturbing the peaceful possession of the petitioner and preventing him from constructing a house on that property. This prompted the petitioner to file a civil suit. On 21.08.2021 the civil court passed an ad interim order of injunction permanently restraining the defendants therein from disturbing the peaceful possession of the said property. In spite of this, the private respondent has been violating the order and continuing to disturb the petitioner. Police help was sought, but was denied.

Learned advocate for the private respondent submits as follows. The allegations made in the writ petition are denied. The order passed in the suit was ex parte. For this, the private respondent has filed necessary

application for its modification. The same is pending. However, the private respondent is not disturbing the petitioner in the peaceful possession of the property.

Learned advocate for the State submits as follows. It is substantially a civil dispute that is pending between the adverse parties. However, on the complaint of the petitioner, a proceeding was initiated under Section 107 of the Code.

It appears that the civil dispute is pending between the adverse parties. The petitioner was granted an injunction restraining the other side from disturbing his peaceful possession of the property. According to the civil court's order, the private respondent has no right to disturb the petitioner. In fact, the private respondent has contended that he has not been disturbing the petitioner. On the complaint of the petitioner, the police have already taken steps and initiated a proceeding under Section 107 of the Code. Therefore, no further order need be passed.

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.

With these 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.]

