

September 6, 2023
AD 26
Court No.14
SG

WPA 19417 of 2023

Mijanur Sheikh
vs.
The State of West Bengal and others

Mr. Partha Pratim Roy
Mr. Sarbananda Sanyal
Ms. Poulami Chakraborty
... for the petitioner
Mr. Ashim Kumar Ganguly
Ms. Jyotsna Roy Mukherjee
... for the State
Mr. Golam Mastafa
Mr. Tarasankar Samanta
... for the respondent Nos.6 to 11

Affidavit of service filed in Court is taken on record.

A report filed by the State is also taken on record.

Learned advocate for the petitioner submits as follows. The petitioner and the private respondents are co-sharers in a large property. The private respondents had been disturbing the peaceful possession of the petitioner's portion and even blocking the pathway. This prompted the petitioner to file a civil suit. By an order dated 18.02.2021, the plaintiffs as well as the defendants were directed to maintain status quo with regard to the nature and character of the suit property. In spite of this, the said order is being violated by the private respondents. Police help was sought, but was denied.

Learned advocate for the private respondents submits as follows. The allegations made in the writ petition are denied. This is a civil dispute between the co-sharers of a property. In fact, two parties have filed suits against each other. Both are pending. However, the

private respondents have not caused any illegality or blocked any common passage.

Learned advocate for the State relies on the report and submits as follows. It is substantially a civil dispute. Two suits are 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 two suits are pending between the parties who are the co-sharers in the same property. Any other reliefs they may be seeking in respect of such property shall have to be prayed for before the civil court.

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.]