

September 6, 2023
AD 34
Court No.14
SG

WPA 19498 of 2023

Jashoda Naskar and others
vs.
The State of West Bengal and others

Mr. Sabyasachi Mondal
Mr. A.S. Fazlul Karim
Ms. Payel Khanra
... for the petitioners
Mr. Mrityunjy Goswami
... for the State
Mr. Sandipan Maity
Mr. Saumen Gayen
... for the respondent No.9

Affidavit of service filed in Court is taken on record.

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

Learned counsel for the petitioners submits as follows. The petitioners are the owners of the land in question. Out of 62 decimals, 31 decimals of land was purchased by the petitioners' father. The land is not recorded in the petitioners' names. The private respondents are now trying to dispossess the petitioners from the property and grab the entire land. They have assaulted the petitioners and even brought a JCB to excavate the petitioners' land. The complaints made to the police have remained unattended.

Learned counsel for the private respondents submits as follows. The private respondents are co-sharers in the property. A partition suit filed by the petitioners is pending. The private respondents deny that they have assaulted the petitioners or are excavating their land.

Learned counsel for the State relies on the report and submits as follows. There is a civil dispute pending between the co-sharers in question. However, on the complaint of the petitioners, the police have already taken steps and initiated a proceeding under Section 107 of the Code.

It appears that a civil dispute is pending between the adverse parties.

Any further relief/claim by any of the parties in respect of the suit property has to be before the civil court.

It also appears that police have already taken action on the complaint of the petitioners and started a proceeding under Section 107 of the Code.

No further order need be passed in this matter.

However, the police shall keep a sharp vigil at the locale and ensure that no breach of peace takes place and no civil court's order is violated.

In the event the petitioners apprehend any untoward incident, they shall be at liberty to intimate the same to the local police station who shall act in accordance with law.

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.)