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14.09.2023
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Ct 14

WPA 20045 of 2023

Habibulla Bahar Molla

-vs-

State of West Bengal & ors.

Mr. Abhijit Sarkar

Mr. Raja Biswas

....for the petitioner

Mr. Amal Kr. Sen

Ms. Sahina Sumi

...for the State

Affidavit of service filed on behalf of the petitioner 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.

Learned counsel appearing on behalf of the petitioner submits as follows. The private respondents have been illegally constructing a building encroaching upon public land as well as a portion of the petitioner's land. This prompted the petitioner to file a civil suit being Title Suit No. 1975 of 2022 before the learned Civil Judge (Jr. Division), 1st Additional Court, Alipore, South 24 Parganas. By an order dated 23.12.2022, the learned Civil Court was pleased to direct the parties to maintain status quo in respect of nature and character and activities in respect of the scheduled

property. This order was extended from time to time. In spite of this, the private respondents continued to violate the Court's order and carry on the illegal constructions. The police only started a case, but did not prevent the private respondents from making illegal constructions.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. On the complaint of the petitioner, an FIR being Bhangar PS Case No. 166 of 2023 dated 24.03.2023 was registered and a charge sheet was submitted. Thereafter, another FIR was registered regarding an altercation being Bhangar PS Case No. 343 of 2023 dated 04.06.2023 A charge sheet was submitted in this regard. The police also instituted a proceeding under Section 107 of the Code against the parties concerned. The police are keeping a close watch in the locality.

It appears that there is a civil dispute pending between the private parties. If any relief is to be sought by any of the parties, the same has to be before the learned Civil Court.

It further appears that police have taken steps on the complaints of the petitioner. Two FIRs were registered and charge sheets were submitted and a proceeding under Section 107 of the Code was also initiated.

However, the respondent authorities shall see to it that no order of a Civil Court is violated.

Even otherwise, the police shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

Urgent photostat certified copy of this order be

supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)