

185 28.08.2023
NB Ct. 14

WPA 20082 of 2023

Badsha Saikh
Vs.
The State of West Bengal & Ors.

Mr. Sudarshan Ghosh.
...for the petitioner.

Mr. Somnath Ganguli Id. AGP,
Ms. Kalpita Paul.
...for the State.

Mr. Manas Kumar Das.
...for the respondent nos.5&6.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the recorded owner of the land in question. The petitioner's father executed a 'HEBANAMA' in his favour after obtaining the land from his deceased father Sk. Yakub. Yet, the private respondents who are rank outsiders are disturbing the petitioner's possession of the land. They want to grab the said land. This prompted the petitioner to file a civil suit being TS Case No.241 of 2022 before the learned Civil Judge (Junior Division), 1st Court, Kandi, Murshidabad. The learned civil Court passed an interim order of status quo to be maintained till disposal of the suit. After an opportunity was granted to the petitioner by this Court, on 10.05.2023 in WPA 10635 of 2023, the petitioner made an application under Section 151 of the CPC. By an order dated 21.07.2023, the same was allowed and the Officer-in-Charge of Bharatpur Police Station was directed to take steps in order to implement the order of temporary injunction dated 23.03.2023.

In spite of all these, the private respondents had been violating the civil Court's order and police are not taking any steps in this regard.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations made in the writ petition are denied. The private respondents are possessing the land in question since 1981. There was a registered partition deed executed between the father of the petitioner and the heirs of the Sk. Yakub. The private respondents are claiming their right through their mother who is a descendent of the Sk. Yakub. The civil Court will decide the fate of ownership and possession of the land.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The land in question is a barren plot, which is not even cultivated by anybody. A status quo order has been passed by the civil Court.

I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the writ petition and the report filed by the State.

It appears that there is an ongoing civil dispute pending between the private parties. An order of status quo was passed by the civil Court. The petitioner was also granted a relief for police help under Section 151 of the Code.

Therefore, the police authorities shall ensure that no breach of peace takes place and that no order of a civil Court is violated.

The parties shall be at liberty to ventilate their grievances before the learned Civil Court at the appropriate stage.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)