

Ct. 14
Item No.19
26.09.2023
(Suvendu)

WPA 20166 of 2023

**Sumon Mondal
Vs.
The State of West Bengal & Ors.**

Mr. Sobhan Majumder
Mr. Gopal Chakraborty
.....for the petitioner

Mr. Sourav Chaudhury
Ms. Sukla Das Chandra
.....for the State

Mr. Rwitendra Banerjee
Mr. Shibasis Chatterjee
Mr. Sandip Kundu
.....for the respondent nos. 9-12

Compliance report filed on behalf of the State about intimation to the private respondents is taken on record.

It appears that one of the private respondents could not be intimated due to his non-availability.

Learned counsel appearing for the petitioner submits as follows. The petitioner is a co-sharer of the property in question. The private respondent nos. 5 to 8 who are the other co-sharers illegally entered into a building promotion agreement with the promoters being the respondent nos. 9 to 12. They started constructing a building on a portion of the

joint property. The petitioner was constrained to file a Civil Suit in this regard. By an order dated 19.07.2023 passed by the learned Civil Judge (Junior Division), 1st Court, Rampurhat in T.S. 155 of 2023, the learned Court granted a temporary injunction directing both the plaintiff and the defendants to maintain status quo with regard to the nature, character and possession of the suit property. Yet, in violation of the said order the private respondents are continuing to make construction on the said joint property.

Learned Counsel representing the respondent nos. 9 to 12 submits as follows. The allegations made in the writ petition are denied. The injunction is limited to two decimals of land which belongs to the petitioner. No construction is being done by the private respondents on such property. Whatever construction has been done or is being done is on the other portion of the land that belongs to the other co-sharers.

Learned counsel appearing for the State relies on the report filed earlier and submits as follows. The construction is being done according to a sanctioned plan. The names of the private respondent nos. 5 to 8 are recorded in the relevant khatian for the portion of the land where the construction is going on.

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

A civil dispute appears to exist between the private parties.

If any of the parties wants to seek any further relief or clarification they have to do the same before the learned Civil Court.

However, the respondent authorities shall keep a sharp vigil at the locale and ensure that no breach of peace takes place. More particularly, the respondent authorities shall see to it that no order of a Civil Court is violated.

With the above observations, the writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Jay Sengupta, J.)