

21 15.09.2023
NB Ct. 14

WPA 20333 of 2023

Salil Bera & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Himadri Barua,
Mr. Biswajit Das.
...for the petitioners.

Mr. Suman Sengupta, Sr. Adv.,
Mr. Sanatan Panja.
...for the State.

Mr. Aaswini Kr. Bera,
Mr. Arijit Bera.
...for the respondent nos.6& 7.

Affidavit of service filed on behalf of the petitioners is taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the owners of the property in question. The private respondents had been disturbing the peaceful possession of the petitioners and had been harassing and intimidating them. This prompted the petitioners to file a civil suit. By an order dated 13.04.2023 passed by the learned Civil Judge (Junior Division), 3rd Court, Paschim Medinipur in Title Suit No.216 of 2023, the defendants were restrained from disturbing the peaceful possession of the plaintiffs over the 'A', 'B' and 'C' schedules of the suit properties. Subsequently, by an order dated 12.05.2023, the learned civil Court was pleased to direct the Officer-in-Charge, Debra Police Station to uphold the order as

soon as he received a copy. In spite of this, the private respondents are violating the Court's order.

Learned counsel appearing on behalf of the private respondents submits as follows. The property in question is an unpartitioned joint property. Several suits are pending over the same. However, the private respondents are not disturbing the peaceful possession of the petitioners.

Learned counsel appearing on behalf of the State submits as follows. The disputes between the private parties are purely civil in nature. A civil suit is pending in this regard. The police authorities shall see to it that no breach of peace takes place.

It appears that a civil suit is pending between the private parties over the said property.

An order was granted an injunction in favour of the petitioners restraining the defendants from disturbing their possession in the said property. Subsequently, a prayer for police help in this regard was also allowed.

It has also been submitted by the private respondents that they are not disturbing the peaceful possession of the petitioners.

Therefore, no further order need be passed in this regard.

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

In the event, any untoward incident occurs or is apprehended by the petitioners, the petitioners shall be at

liberty to call up the Officer-in-Charge of the local police station who shall then act in accordance with law.

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.)