

WPA 20471 of 2023

**Abdul Haran Mondal & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Jahangir Badsha

... .. for the petitioners

Mr. Sk. Md. Galib

Mr. S. Dewan

... .. for the State

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

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 petitioners submits as follows. The petitioners are the owners of the land in question. Their names have been duly recorded in the record of rights. However, the private respondents have been disturbing the petitioners in their possession of such property. They have been harassing, threatening and intimidating the petitioners. This prompted the petitioners to file a civil suit. By an order dated 19th December, 2018 passed by the learned Civil Judge (Junior Division) 3rd Court Purba Burdhaman in T. S. No.158 of 2018 the defendants and their associates were restrained from interfering with the peaceful possession of the

plaintiff over the suit property. The ad interim order of injunction was later made absolute. On 10th July, 2019 the learned Civil Judge directed the Officer-in-Charge of the Memari Police Station to see that the order passed by the Court was complied with and to provide necessary police help in case the defendants violated the order. In spite of this the private respondents have been violating the order. Earlier this issue was agitating before this Court in WPA 6591 of 2021. The writ petition was disposed of. However, the private respondents have continued to violate the order.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The petitioners were granted interim injunction restraining the private respondents from disturbing their possession. Later police help was also directed by the learned Civil Court. On a complaint filed by the petitioners in this regard a proceeding under Section 107 was initiated in the year 2021. Of late on 17th July, 2023 on the request of the petitioners police help was rendered for cultivating land. However, at night the private respondents came into the petitioners' property and planted banana saplings. On this a proceeding under Section 107 of the Code was initiated and a specific FIR was also registered being Memari Police Station case no.288

dated 6th April, 2023. A charge-sheet has been submitted in this regard.

It appears that the petitioners were granted an interim order of injunction by the Civil Court restraining the defendants from disturbing their possession. This order was subsequently made absolute. Police help was also directed to be given.

It appears from the police report that the police have rendered necessary help for the petitioners to cultivate the land. It has also become apparent that the private respondents are actually disturbing the possession. Even on 17th February, 2022 they committed an illegality for which proceedings had to be initiated.

Let the police authorities continue to keep a watch 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 happens or is apprehended by the petitioners, they shall be at liberty to call up the Officer-in-Charge of the local Police Station who shall then act in accordance with law and if necessary, render help to the petitioner in terms of the orders passed by the Civil Court.

With these observations, the writ petition is disposed of.

Urgent certified website copy of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Jay Sengupta, J.)