

15 21.09.2023
NB Ct. 14

WPA 20500 of 2023

Badrunnesha Sekh
Vs.
The State of West Bengal & Ors.

Md. Nurezaman,
Mr. Jahangir Badsha.
...for the petitioner.

Mr. Asish Kumar Guha,
Mr. Rajendra Chaturvedi.
...for the State.

Mr. Uttiya Ray,
Mr. Arnab Mandal.
...for the respondent no.4.

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the property in question. The private respondents who are rank outsiders are threatening to dispossess them. Police protection was sought, but was denied.

Learned counsel appearing on behalf of the respondent no.4 relies on a document, which is taken on record and submits that in 1986, the predecessor of the private respondent had purchased the property and as per the latest record of rights, their names have been recorded. They are in possession of the property in question.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. From a local enquiry, it is learnt that the private respondent is in possession of the property in question. However, on a complaint of the petitioner,

a proceeding has been initiated under Section 107 of the Code.

It appears that a civil dispute exists between the parties although no civil suit has yet been filed by any of the parties.

It further appears that on the complaint of the petitioner, a proceeding was initiated by the police authorities under Section 107 of the Code.

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 see to it that no order of a civil Court is violated.

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.)