

WPA 20503 of 2023

Mr. Kanhaya Lal Shaw.

-vs-

State of West Bengal & ors.

Mr. Shamit Dutta

...for the petitioner

Mr. Ashim Kr. Ganguly

Mr. Md. Masood

....for the State

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

It appears that one of the private respondents refused to accept service.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the land in question. He is a senior citizen. The private respondents are adjoining land owners who have been disturbing the peaceful possession of the petitioner over his property. They have been threatening and intimidating the petitioner. The petitioner was constrained to file a civil suit. By an order dated 06.09.2022 passed by the learned Civil Judge, Jr. Division, 1st Court, Sealdah in Title Suit No. 408 of 2022, the defendants were restrained from encroaching any portion of the scheduled property. Upon the petitioner's prayer, police help was also directed in terms of Section 151 of CPC by an

order dated 30.03.2023. Yet, the private respondents continued to violate the order and despite intimation, the police did not take any steps.

Learned counsel for the State submits as follows. It appears that there is a civil suit pending. The police are keeping a close watch on the developments in the locality.

It appears that the petitioner was granted an interim order of injunction restraining the defendants from disturbing the peaceful possession of his property. A direction was also given to render police help.

In view of the above, the local police authorities shall keep a strict vigil at the locale, shall ensure that no breach of peace takes place and also see to it that no order of Civil Court is violated.

If any untoward incident happens or is apprehended by the petitioner, he 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 be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)