

10.01.2023
Court No.13
Item No.46
AP

WPA 20975 of 2022

**Smt. Kalpana Hazra and Anr.
Vs.
The State of West Bengal and Ors.**

Mr. Shahan Shah
Mr. Aninda Bhattacharya

... For the Petitioners.

The petitioners are aggrieved by the fact that despite the order dated 19th July, 2022 the private respondents are continuing to effect construction of a Chala Ghar on a piece of land. The land according to the petitioner belongs to him.

The private respondents are represented. They claim that they have purchased the land.

In the above circumstances, since the magistrate has passed an order under Section 144(2) of the Cr.P.C., which has a life of about two months, this Court is of the view that the private respondents should institute an appropriate civil proceeding to enforce their rights in respect of the property in question and shall obtain orders from the Civil Court. However, till such time the Civil Court passes such order, the parties shall maintain status quo with regard to the property in question.

The Officer-in-Charge, Moyna Police Station shall ensure that there is no breach of peace in the area and no construction is effected on the disputed land subject to any order by the Civil Court. The Moyna Police shall strictly enforce any order of a Civil Court that may be passed in this regard.

With the aforesaid directions, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)