

18 21.09.2023
NB Ct. 14

WPA 20660 of 2023

Mohan Chandra Das @ Mohan Das

Vs.

The State of West Bengal & Ors.

Mr. Dhananjoy Banerjee,

Ms. Oindrila Ghosh.

...for the petitioner.

Mr. Ashim Kr. Ganguly,

Sk. Md. Masud.

...for the State.

Mr. Jyoti Prakash Chatterjee

...for the private respondent.

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

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

Copies of documents relating to another civil suit, as filed on behalf of the private respondent, are taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the property in question where he is constructing a house. Since the private respondent had been disturbing the petitioner's possession, the petitioner was constrained to file a civil suit. By an order dated 27.07.2023 passed by the learned Civil Judge (Junior Division), Kalna in TS Case No.167 of 2023, the defendant was restrained from disturbing the plaintiff's peaceful possession over the suit property and directed not to change the nature and character of the suit property. In spite of this, the private respondent along with local police personnel are

preventing the petitioner from carrying out the construction work.

Learned counsel appearing on behalf of the private respondent submits as follows. The allegations made in the writ petition are denied. It has been suppressed that the private respondent had filed a civil suit against the petitioner in respect of the said property. By an order dated 03.04.2023 passed by the learned Civil Judge (Senior Division), Kalna in TS Case No.32 of 2023 the defendants were asked to maintain status quo over the suit property in respect of its nature, character and possession.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. There are several cases pending between the parties including criminal cases. The police have always acted on the complaints of the concerned parties.

It appears that a civil dispute exists between the parties. At least two civil suits are pending in this regard. If any of the parties want to claim any relief in respect of the same, it has to be done before the learned civil Court.

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.)