

September 12, 2023
AD 135
Court No.14
SG

WPA 20869 of 2023

Subodh Kumar Gupta

vs.

The State of West Bengal and others

Mr. Asis Bhattacharyya

Mr. B. Mitra

Ms. Malati Biswas

... for the petitioner

Mr. Priyankar Saha

Mr. Aniruddha Sen

... for the State

Mr. Jagannath Ganguly

... for the private respondents

Affidavit of service filed in Court is taken on record.

A report filed by the State is also taken on record.

Learned advocate for the petitioner submits as follows. The petitioner is a tenant at premises where he is running a pice hotel. The roof of the hotel suffered damages and some repair work was to be done. Suddenly, the private respondents who are claiming to be the owners of the property and having a civil suit pending between them and the real owner, came and prevented the petitioner from doing such repair work. The police was intimated, but they are not taking any step.

Learned advocate for the private respondents submits as follows. In the civil suit, the defendants were asked not to change and character of the scheduled property. Yet, the petitioner is trying to carry out the repair work.

At this stage, learned advocate for the petitioner submits that the private respondents have not been made

parties to the civil suit. The suit was filed by the entity through whom the petitioner is claiming his rights.

Learned advocate for the State relies on the report and submits as follows. The petitioner has not approached the police authorities with his grievance. It was in compliance with the civil court's order that the police went and asked the petitioner not to make any construction work.

It appears that a civil dispute is pending between the adverse parties. Although the petitioner was not made a party to the civil suit, he is deriving his rights from one of the parties in the said suit.

If any of the parties want to claim further relief in this regard, they have to approach the civil court by filing an appropriate application.

So far as the apprehension of breach of peace is concerned, the police authorities would keep a sharp vigil at the locale and ensure that no order of a civil court is violated.

With these observations, the writ petition is disposed of.

Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

[Jay Sengupta, J.]