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03.10.
2023
Ct. No.14

WPA 21233 of 2023

**Arjina Bibi
Vs
The State of W. B. & Ors.
With
WPA 3406 of 2023**

**Abu Taleb Mandal
Vs.
The State of W. B. & Ors.**

**Mr. Arun Shaw
....For the Petitioner in WPA 21233 of
2023**

**Mr. D. K. Adhikari
Mr. Debdip Adhikari
.....For the Petitioner in WPA 3406
of 2023**

**Mr. Pantu Deb Roy
Mr. Subrata Guha Biswas
.....For the State in WPA 21233 of
2023**

**Mr. Arun Shaw
....For the Respondent Nos. 7 to 10 in
WPA 3406 of 2023**

**Mr. Ranojoy Chatterjee
Ms. Piyeta Bhattacharjee
Mr. Tamal Singha Roy
Mr. Tamoghua Pramanick**

**....For the Respondent No.10 in WPA
21233 of 2023**

**Mr. D. K. Adhikari
Mr. Debdip Adhikari**

**.....For the Private Respondent Nos.
5 to 9 and 11 in WPA 21233 of 2023**

On the prayer and consent of the learned
counsels for the parties and as both the matters
appear to be connected, the writ petitions being WPA
21233 of 2023 and WPA 3406 of 2023 are taken up
for hearing together.

Learned counsel appearing on behalf of the petitioner in WPA 21233 of 2023 submits as follows. The petitioner purchased a piece of land and made a construction on the same. The private respondents had been disturbing the peaceful possession of the petitioner in respect of the property. Several complaints were made before the police authorities. However, only one FIR was lodged and nothing was done about the subsequent complaints.

Learned counsel appearing on behalf of the private respondents in WPA 21233 of 2023 and for the petitioner in WPA 3406 of 2023 submit as follows. The other side had actually purchased only a portion of the whole property, but is making construction even on the other portions of the property. This was objected to by his client, but no corrective measures were taken. This compelled his client to approach the learned civil court. Learned civil court granted an ad interim injunction of status quo. Subsequently, the police were also directed to see that the order is not violated. However, the police are not taking steps in spite of violations.

Learned counsel appearing on behalf of the respondent no.10 in WPA 21233 of 2023 submits that there is no allegation against his client.

Learned counsel appearing on behalf of the State in WPA 21233 of 2023 relies on a report and

submits as follows. A civil suit is pending between the parties. The police have also initiated a proceeding under Section 107 of the Code. Police are keeping a close watch on the developments of the locality.

It appears that a civil dispute exists between the parties. Therefore, if any of the parties seek any further relief in respect of such property, the same has to be before a civil court.

Therefore, no further order need be passed in this regard.

However, the police authorities shall maintain a sharp vigil at the local, ensure that no breach of peace takes place and also see that no order of a civil court is violated.

As affidavits were not called for, the allegations made are deemed not to have been admitted.

With these observations, the writ application is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on urgent basis after completion of all necessary formalities.

(Jay Sengupta, J.)

