

31 26.09.2023
NB Ct. 14

WPA 21255 of 2023

Narayan Chandra Paul & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Amitabha Ghosh,
Ms. Nabanita Chatterjee.
...for the petitioners.

Mr. Anwar Mandal Id. AGP,
Mr. Ashis Dutta.
...for the State.

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

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

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are tenants at the premises in question where they run small-scale industrial units. The original landlord sold a property to a building promoter being the respondent no.5. The respondent nos.6 and 7 are Directors in the said company. By illegal use of force, the private respondents are trying to dispossess the petitioners from the said property. Incidentally, the Government is taking steps regarding sale of industrial land for housing purpose. The atrocities committed by the private respondents prompted the petitioners to approach the civil Court. By an order dated 28.09.2022 passed by the learned Civil Judge (Junior Division), 1st Court, Howrah in T.S. No.1644 of 2022, an ad interim injunction was granted to the petitioners restraining the

defendants from dispossessing the plaintiffs without due process of law. The private respondents are trying to violate this order. Despite request, no help has been rendered by the police.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations made in the writ petition are denied. It is purely a civil dispute that exists between the parties. The private respondents are not disturbing the petitioners' possession in respect of the said property.

Learned counsel appearing on behalf of the State relies on the report and submits that on the complaint received by the petitioners, they have acted and initiated a proceeding under Section 107 of the Code.

It appears that a civil dispute exists between the private parties. If any of the parties wants to claim a further relief, the same has to be done before a civil Court.

It further appears that there is an order of injunction subsisting in favour of the petitioner restraining the defendants from dispossessing the petitioner.

Therefore, let the respondent police authorities keep a sharp vigil at the locale and ensure that no breach of peace takes place and 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.)