

23
05.10.2023
ssi

Ct 14

WPA 21380 of 2023

Probin Mondal
-vs-
The State of West Bengal & ors.

Mr. Rabi Shankar Chattopadhyay
Ms. Ayesha Iman
...for the petitioner

Mr. Ashim Kr. Ganguly
Mr. Sk. Md. Masud
..for the State respondents

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

Despite service, no one appears on behalf of the private respondents.

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the property in question. The private respondents used to harass and intimidate the petitioner and disturb his possession in respect of such property. This prompted the petitioner to file a civil suit against the private respondents. An injunction was granted. However, the private respondents being one Ranjeet Das had the order of injunction vacated. Thereafter, the petitioner preferred an appeal being Appeal No. 37 of 2022. During pendency of the appeal, the said Ranjeet Das

and his associates took forcible possession of the ground floor of the property on 26.06.2023. They ransacked the petitioner's room, threw away utensils and furniture and even outraged the modesty of his wife. Over this Tala Police Station Case No. 44 dated 09.07.2023 was registered under Sections 448, 323, 354 and 34 of the IPC. The petitioner has applied for recovery of possession under Section 151 of the CPC. However, after the petitioner lodged the FIR, the private respondents are again harassing and threatening the petitioner. They forcibly vandalized the water tank and are continuously pelting stone and other objects at their windows causing significant damage.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. There are case and counter case filed by the private parties. The same are being investigated. The police are keeping a close watch at the developments in the locality. A Title Suit is also pending between the private parties.

It appears that there exists a civil suit between the private parties.

However, on the allegation of commission of criminal acts, the police authorities have already acted by registering FIR from either side. If necessary, the police authorities shall explore the possibility of initiating a proceeding under Section 107 of the Code.

Even otherwise, the police shall keep a close vigil at the locale, ensure that no breach of peace takes place and no

order of a Civil Court is violated.

In the event any untoward incident occurs or is apprehended by the petitioner, he shall be at liberty to intimate the Officer in Charge of the local police station who shall then act in accordance with law.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)