

27.09.2023
sayandeep
Sl. No. 27
Ct. No. 14

WPA 21386 of 2023

Anchhar Ali
-versus-
The State of West Bengal & Ors.

Mr. Bhagbat Chaudhuri
Mr. Mahbub Asfakul Zinna
..... for the petitioner

Mr. Anirban Ray
Mr. Sk. Md. galib
Mr. Tamal Taru Panda
.....for the State

Mr. Ayan Banerjee
Ms. Debjani Sengupta

.....for the respondent Nos. 10,12,14 and 15

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.

Learned counsel appearing for the petitioner
submits as follows. The petitioner is an army personnel
who had purchased the property in question. The
private respondents are the adjoining owners who are
trying to grab the said property taking advantage of the
fact that for most of the year the petitioner is away from
that place. By an order dated 05.08.2022 passed in T.S.
case No. 91 of 2022, the learned Civil Judge, Junior
Division, Additional Court Raiganj, Uttar Dinajpur was
pleased to restrain the defendants from dispossessing
the plaintiff or creating any disturbance in the peaceful
possession of the plaintiff over the suit property. Yet,

the private respondents continued to violate the order. On 03.11.2022 the learned Civil Court directed the Inspector-in-Charge, Kaliyaganj P.S. to keep a constant and close vigil so that the order of the Civil Court is not violated. In spite of this, attempts are being made to violate the order and dispossess the petitioner. Intimidation and assault are also being committed on the petitioner and his wife.

Learned counsel appearing for the private respondents submits as follows. The allegations made in the writ petition are denied. There is a civil suit pending in this regard. It is the respondents' case that they had purchased the property in question and are in possession thereof.

Learned counsel appearing for the State relies on the report and submits as follows. There is a civil dispute pending between the private parties. However, on the complaints lodged by the petitioner and the petitioner's wife, two separate FIRs were lodged. Charge-sheets have been submitted in both. The police are keeping a close watch on the developments at the locale. Proceeding under Section 107 of the Code have also been initiated, lastly on 30.08.2023.

It appears that a civil suit is pending between the private parties and the petitioner was granted an interim order of injunction restraining the defendants from disturbing his possession in respect of the suit property. Subsequently, an order was also passed by

the learned Civil Court directing the Inspector-in-charge, Kaliyaganj P.S. to insure that the order is not violated.

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

However, the respondent authorities shall keep close vigil at the locale and ensure that no breach of peace takes place and no order of a civil Court is violated.

If any untoward incident occurs or is apprehended by the petitioner, he shall be liberty to intimate the Inspector-in-charge of the local P.S. who shall then act in accordance with law.

With these observations, the writ petition is disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Jay Sengupta, J.)