

September 27, 2023
AD 36
Court No.14
SG

WPA 21467 of 2023

Sk. Mafizuddin and another
vs
State of West Bengal and others

Mr. R.I. Sardar

... for the petitioners

Mr. Sk. Md. Galib

Ms. Sujata Mukherjee

... for the State

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

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

Learned advocate appearing for the petitioners submits as follows. The petitioners became the owners of the property in question by a gift made by the mother of the petitioner No.1. The private respondents who are the distant relations of the petitioners, have started disturbing the peaceful possession of the petitioners' property. In fact, they filed a title suit and obtained an order of injunction of maintenance of status quo. However, the petitioners had been cultivating the land. The petitioners made a complaint to the police, but they have not acted on the same.'

Learned advocate for the private respondents submits as follows. The allegations made in the writ petition are denied. An application was made by the petitioners as defendants in the civil suit praying for relief

in terms of Section 151 of the Code. The same was rejected. The civil suit is still pending.

Learned advocate for the State relies on the report and submits that two complaints were lodged by the petitioners. FIRs were registered in this regard and after investigation charge-sheets have been submitted in connection with the same. A civil suit is pending between the private parties.

It appears that a dispute of civil nature exists between the private parties. The private respondents were apparently granted an interim order of status quo. The petitioners have failed to obtain any relief in terms of Section 151 of the Code in connection with the same.

If the petitioners want to claim any further right in respect of the said property, the same has to be made before the civil court.

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

[Jay Sengupta, J.]