

September 27, 2023
AD 42
Court No.14
SG

WPA 21542 of 2023

Sanatan Naskar
vs
State of West Bengal and others

Mr. Saurav Chaudhuri
... for the petitioner

Mr. Tapas Kumar Adhikari
Mr. Soumik Dey
... for the State

Mr. Sounak Bhattacharya
Mr. Abhirup Halder
Mr. Anirban Saha Roy
... for the respondent No.6

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

Copy of the order dated 19.09.2023 passed in TS No.572 of 2019 filed by the petitioner is also taken on record.

Learned advocate appearing for the petitioner submits as follows. The petitioner is the owner of the land in question. The private respondent has been trying to encroach upon the petitioner's land and had been making an illegal construction on the property in question. This prompted the petitioner to file a civil suit. By an order dated 14.11.2019 passed by the civil court, the defendant was restrained from disturbing the occupation and peaceful possession of the plaintiff over the said property. The private respondent continued to violate the order. The petitioner again approached the civil court. By an order dated 19.09.2023 the civil court directed the Inspector-in-Charge of Joynagar Police

Station to render assistance, but police did not take any steps. The private respondent has not maintained any open space between two properties while making such construction.

Learned advocate for the private respondent submits as follows. The allegations made in the writ petition are denied. The private respondent has not violated any order and not made any illegal construction on the petitioner's property. However, he has a sanctioned plan for making construction on his own land.

Learned advocate for the State relies on the report and submits as follows. There is a civil dispute between the private parties. On the complaint of the petitioner, the police have initiated a proceeding under Section 107 of the code. They are keeping a close watch in the locality.

It appears that a civil dispute exists between the private parties. The petitioner obtained an ad interim injunction restraining the defendant from disturbing his possession of the property.

The police have also been directed to ensure implementation of the said order.

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.

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

The petitioner shall be at liberty to bring it to the notice of the concerned panchayat authority about any possible illegal construction at the adjoining land.

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.]