

WPA 21528 of 2023

Gopal Pramanik

-vs-

The State of West Bengal & ors.

Mr. Ambu Bindu Chakraborty

...for the petitioner

Mr. Tapash K. Bhattacharya

Mr. Aviroop Bhattacharya

...for the private respondent nos. 6 & 8

Mr. Jayanta Samanta

Mr. Supriya Majumder

...for the State

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the land in question. He was forcibly dispossessed by the private respondents. He approached the learned Magistrate under Section 145 of the Code of Criminal Procedure within two months of the dispossession. By an order dated 21.09.2022, the opposite party was directed not to disturb the possession of the petitioner. A copy of the demarcation report was sent to the BL & LRO and I.C. of Harishhchandrapur Police Station for information and necessary action. They were asked to hand over the possession of the disputed property to the petitioner as per the demarcation by the concerned Amin. But the order was not complied with despite demand. The report of the State speaks about initiation of a further proceeding under Section 107 of the Code. On 27.09.2023, this Court recorded that the pendency of the matter shall not

prevent the concerned BL & LRO and the I.C. of Harishchandrapur Police Station from executing the order passed by the learned Magistrate under Section 145 of the Code of giving possession of the land back to the petitioner. On 01.12.2023, such order has been executed.

Learned counsel appearing on behalf of the respondent nos. 6 and 7 submits as follows. The allegations made in the writ petition are denied. The petitioner is not the only owner of the property in question. There are five other co-sharers. In fact, the private respondents had filed a civil suit and obtained an ex parte order of injunction on 06.10.2023. Next date fixed for hearing before the learned Civil Court is on 19.01.2024. The order passed by this Court may not come in the way of disposal of the said suit.

Learned counsel appearing on behalf of the State submits that the factum of issuance of an injunction by a Civil Court was not brought to the notice of this Court.

It appears that on 27.09.2023, the private respondents did not appear before this Court despite service of notice. No communication was made before this Court about issuance of an ad interim order of injunction by any Civil Court.

Be that as it may, it is reported that the Civil Court has fixed the matter for hearing on 19.01.2024.

The learned Civil Court shall not be swayed by any observation made by this Court while disposing of the writ petition and shall decide the civil suit independently and 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.)