

W.P.A. 21558 of 2023

Byomkesh Maity
-versus
The State of West Bengal & Ors.

Mr. Rabindranath Mahato,
Mr. Aritra Shankar Ray.
...For the petitioner

Mr. Syed A. Ahmed,
Mr. A.G. Kar.
... for the respondent
nos. 4 to 8

Mr. Ansar Mandal,
Mr. Md. Idrish.
... for the State

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the land in question. The private respondents were disturbing his possession of the property. This prompted the petitioner to move the Civil Court. By an order dated 22.06.2023 passed by the learned Civil Judge, Junior Division, Kharagpur, Paschim Medinipur in T.S. Case No. 70 of 2023, the defendant was restrained from dispossessing the plaintiff from the suit property and also for peaceful cultivation work in the same. By an order dated 10.08.2023 learned Civil Court directed the Officer-in-Charge in Narayangarh police station was directed to uphold the sanctity of the interim order passed earlier. The police have given protection to the petitioner for cultivating the land.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations

made in the writ petition are denied. The private respondents are the bargadar in the land in question. They have never tried to dispossess the petitioner from the possession of the suit property.

Learned counsel appearing on behalf of the State relies on the report and submits that the police have complied with the order passed by the learned Civil Court.

It appears that the petitioner has already obtained an interim injunction restraining the defendant from disturbing their possession and even for cultivating land in question peacefully.

An order under Section 151 of the C.P.C. was also passed rendering police help.

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

The respondent authorities shall keep a vigil at the locale and ensure that no breach of peace takes place and see to it that no order of a Civil Court is violated.

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.)