

September 29, 2023
AD 32
Court No.14
SG

WPA 21585 of 2023

Vijay Shaw
vs
State of West Bengal and others

Mr. Gopal Mondal
... for the petitioner

Ms. Jhuma Chakraborty
Mr. Arpita Mondal
... for the State

Mr. Dinabandhu Choudhury
Mr. Amal Kumar Saha
Mr. Ardhendu Ghosh
Mr. Soumyadip Panda
... for the respondent No.9

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

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

Learned advocate appearing for the petitioner submits as follows. The petitioner has purchased the property in question from one Sumita Chatterjee in the year 2022 and has been in possession of the same. He is the recorded owner of the property in question. He has a sanctioned plan for making construction of a house. But, the private respondents who are rank outsiders are disturbing the peaceful possession of the petitioner and threatening and intimidating the petitioner.

Learned advocate for the private respondents submits as follows. The allegations made in the writ petition are denied. The petitioner seems to claim that he had purchased the property in question from the heirs of

one Sudhangshu Das. The said Sudhangsu Das had sold away the entire property in 1965. Now the private respondents have become owners of the property by purchasing it from the subsequent vendors in the year 2008.

Learned advocate for the State relies on the report and submits that there is a civil dispute between the private parties. However, on the complaint of the petitioner, a proceeding has been initiated under Section 107 of the Code.

It appears that there is a civil dispute existing between the private parties. If any further relief is claimed by any of the parties in respect of the said property, the same has to be before a civil court.

It also appears that the police have acted on the complaint made by the petitioner and have initiated a proceeding under Section 107 of the Code.

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

However, the police shall keep a sharp vigil in the locality 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.]

