

12.10.2023

WPA 21723 of 2023

**Ratneswar Das
Vs.
The State of West Bengal & Ors.**

Mr. Ziaul Haque
Mr. Himadri Kumar Mahata
... .. for the petitioner

Mr. Bibekananda Tripathy
Mr. Kaustav Chatterjee
... .. for the State

Mr. Shyama Prosad Purkait
Mr. Dinesh Chandra Mondal
... .. for the respondent nos. 4 & 6

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

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

Learned counsel appearing for the petitioner submits as follows. After the passing of a decree by a Civil Court, the petitioner was given possession of the plots of land purchased by him being LR Plot Nos.1086, 1087 and part of 1126. Subsequently, the private respondents who are the descendants of the erstwhile vendor came and started to disturb the peaceful possession of the petitioner in respect of such property. Police help was sought, but was not rendered.

Learned counsel on behalf of the private respondent nos.4 and 6 submits as follows. The allegations made by the writ petitioner are denied. The private respondents are the adjacent plot owners. There

is no disturbance caused by them. In fact, it is the petitioner who is trying to grab others land by encroaching into the other portion of LR Plot no.1126.

Learned counsel appearing on behalf of the State files report and submits as follows. There is a dispute between the private parties. There are proceedings under sections 144 and 107 of the Code initiated in this regard. However, the police are keeping a close watch of the developments in the locality and at present there is no information of any breach of peace.

It appears from the report filed by the State that at present there is no information of any breach of peace. It is also submitted on behalf of the private respondents that they have not caused any disturbance in respect of the petitioner's possession of the property that belongs to him.

Therefore, no further order need be passed in this regard. If any of the parties wishes to claim any further right in respect of the property in question the same has to be done before the Civil Court.

For present, the police shall keep a sharp vigil at the locale, ensure no breach of peace takes place and see that no order of Civil Court is violated.

With the aforesaid 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.)