

W.P.A. 21817 of 2023

Krishna Pada Biswas
Vs.
The State of West Bengal & Ors.

Mr. Kamalesh Chandra Sahu
Ms. Payel Mitra ... for the petitioner

Mr. Sucharita Roy
Ms. Amrita Panja Moulik ... for the State

Mr. Tapas Kr. Mondal
... for the respondent nos. 4 to 6

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

Report is also filed by the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the property in question. The private respondents are trying to disturb the peaceful possession of the petitioner in the property. This prompted the petitioner to file a civil suit. Initially, an injunction was granted. However, the same was vacated due to non appearance. Now, the petitioner wants to put a boundary wall to surround the property and necessary police protection may be granted for the same.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. There are civil suits pending between the parties. Earlier on a complaint of the petitioner an F.I.R. was lodged in 2017. On the present complaint a proceeding has been initiated under Section 107 of the Code.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations made in the writ petition are denied. Two civil suits are pending between the private parties. The private respondents are not disturbing the possession of the petitioner in respect of any property which lawfully belongs to him.

It appears that a civil dispute is pending between the private parties. In fact, two civil suits are pending.

If any further relief is sought by any of the parties in respect of the said land the same has to be before a Civil Court.

However, the police authorities shall maintain a strict vigil at the locale and ensure that no breach of peace take steps and that no order of a Court is violated.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon completion of requisite formalities

(JAY SENGUPTA, J.)