

05.12.2023
Srimanta
Sl. No. 21
Ct. No. 14

WPA/22017/2023

Sri Mohan Agarwal
-Vs.-
State of West Bengal & Ors.

Mr. Arijit Sarkar,
Mr. Sagnik Chatterjee

...for the petitioner.

Mr. K.J.Yusuf,
Mr. Rupsha Chakraborty

...for the State.

Mr. Sobhan Majumder,
Mr. Asish Dutta

...for the respondent nos. 5 & 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 on behalf of the petitioner submits as follows. The petitioner is running a business at the premises in question. The private respondents had been disturbing the possession and enjoyment of such property of the petitioner. The petitioner was constrained to approach the Civil Court. By an order dated 01.03.2023 passed in TS No. 86/2023, the learned Civil Judge (Junior Division), 2nd Court, Barrackpore was pleased to restrain the defendants from dispossessing the plaintiff. This ad interim order was extended from time to time. Despite this, the private respondents are violating such order and disturbing the business of the petitioner.

Learned Counsel on behalf of the private respondents submits as follows. The allegations made in the writ petition are denied. The petitioner is the

actual owner of the property in question. However, the private respondents have not disturbed the petitioner as alleged.

Learned Counsel appearing on behalf of the State relies on the report and submits as follows. On the complaint of the petitioner an FIR was lodged, investigation was done and thereafter, a charge-sheet was submitted. The Police are keeping a close watch on the developments in the locality.

It appears that there is a civil dispute between the parties. If any of the parties wants to establish a further right in respect of the same, it has to be done before a Civil Court.

It also appears that the Police have acted on the complaints made by the petitioner. First, they lodged an FIR and submitted a charge-sheet. They are also keeping a watch at the locality.

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

However, the Police Authority shall keep a sharp vigil at the locale, 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 copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Jay Sengupta, J.)