

29 22.11.2023
NB Ct. 14

WPA 22404 of 2023

Ghanshyam Das Sharma
Vs.
The State of West Bengal & Ors.

Mr. Asfak Ahammed.
...for the petitioner.

Mr. Suman Ghosh,
Mr. Soumen Chatterjee.
...for the State.

Mr. Srijib Chakraborty,
Mr. Aditya Mondal,
Mr. Deeptangshu Kar.
...for the respondent no.8.

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

Learned counsel appearing on behalf of the petitioner alleges police inaction and submits that two personnel from the Anandapur Police Station came to the petitioner's property and asked him to remove a shed or else, they would sending in members of the ruling party.

Learned counsel appearing on behalf of the State vehemently denies the allegations and submits that the same are absolutely ridiculous. There was an order of status quo passed by a Civil Court and there was a complaint about the violation of the same. This prompted the officers to visit the place.

Learned counsel appearing on behalf of the private respondent submits as follows. There are 18 companies who are owning the land constituted of 108 kathas. Before 2017, the petitioner was a director of all those companies. However,

the private respondent who are representing 12 companies, removed him from such companies. An arbitration award was wrongly obtained by the petitioner to claim that he would represent the companies till an agreement for development subsisted. Writ petitions were moved on the basis of the same. At least one such writ petition was dismissed on such point.

It does not appear that there is a case of police excess.

If the petitioner wants to establish his right in respect of such property, he shall be at liberty to do so before a civil Court.

No further order need be passed in this regard.

However, the police shall maintain a sharp vigil at the locale and ensure that no breach of peace takes place.

With these observations, the writ petition is disposed of.

Urgent certified copy of this order may be given to the parties expeditiously, if applied for.

(Jay Sengupta, J.)