

14 04.12.2023
NB Ct. 14

WPA 22556 of 2023

Asim Kumar Sen
Vs.
The State of West Bengal & Ors.

Mr. Saikat Shatterjee,
Mr. Puranjan Pal.
..for the petitioner.

Mr. Pantu Deb Roy Id AGP,
Mr. Subrata Guha Biswas.
...for the State.

Mr. Abir Lal Chakraborty,
Mr. Sk. Hidayatulla.
...for the respondent nos.4&5.

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 the owner of the property in question. The private respondent raised a dispute in this regard and even filed a civil suit. However, he failed to obtain an injunction from the civil Court. After this, he started to disturb the petitioner's possession of the property with more vigour. Along with police personnel, the private respondent came and locked one room at the ground floor of the said premises.

Learned counsel appearing on behalf of the private respondent denies the allegations and submits that a civil suit is pending regarding the property dispute. However, the private respondent has not caused any mischief by putting a lock on a room at the ground floor of the premises in question.

Learned counsel appearing on behalf of the State relies on the report and submits that on the complaint of the petitioner, an FIR was registered in the year 2021. A charge sheet has been submitted. The police are keeping a close watch on the developments in the locality. However, the police have not themselves or through anyone else put any padlock on a room at the said premises.

It appears that a civil suit is pending.

If any of the parties wants to establish any further right in respect of the said property, he shall be at liberty to do the same before the competent civil Court.

Fortunately, both the State and the private respondent have submitted that they have not put any padlock on any room on the ground floor of the premises.

So far as the complaint of the petitioner before the police authorities are concerned, the police have already taken steps, first by filing an FIR and submitting a charge sheet on the same and thereafter, by instituting a proceeding under Section 107 of the Code of Criminal Procedure.

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

However, the police authorities 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 photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)