

WPA 22592 of 2023

Arup Das & ors.

-vs-

The State of West Bengal & ors..

Mr. Dilip Kumar Sinha

...for the petitioners

Mr. Jyoti Prakash Chatterjee

Mr. Subrata Bhattacharjee

...for the State

Mr. Raj Kumar Sain

...for the private respondents

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

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

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner is the original owner of the land in question being plot no. 855. The private respondent purchased a portion of the property and thereafter filed a civil suit praying for partition. An order of status quo was granted by the Civil Court. In violation of the same, the private respondent constructed fencing in respect of such property. This was brought to the notice of the local police, but no action was taken. Only after intervention by the Circle Inspector, a case was started.

Learned counsel appearing on behalf of the State submits as follows. There is no police inaction On the complaint of the petitioner, an FIR was registered, inter alia, under Section 188 of the Penal Code.

Learned counsel for the private respondents submits as follows. The allegations made in the writ petition are denied. The fencing in question was done before the petitioner could approach the Civil Court.

This submission is denied by the learned counsel for the petitioner.

It appears that a civil dispute exists between the private parties. If any of the parties want to establish any further right in respect of such property, the same has to be done before the concerned Civil Court. Whether there was any violation of the order of status quo would also be look into by the concerned Civil Court if the same is brought to its notice by any of the parties. To a limited extent, the question of violation of an order promulgated would also be looked into in the criminal proceeding that has already been started.

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

However, the local police authorities 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 be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)

