

Court No. 14
Item No.40
23.11.2023
(Suvendu)

WPA 22685 of 2023

**Sadiful Islam Mondal
Vs.
The State of West Bengal & Ors.**

Mr. Robiul Islam
Mr. Raju Mondal
Mr. Masooq Rahman
.....for the petitioner

Mr. Biswabrata Basu Mallick, Ld. AGP,
Mr. Tamal Taru Panda
.....for the State

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 for the petitioner submits as follows. The petitioner is the owner of the land in question. The private respondents were trying to unlawfully dispossessing the petitioner from the property and the petitioner was constrained to move the Civil Court. By an order dated 9th January, 2023 passed by the learned Civil Judge (Junior Division), Tehatta, Nadia in Tittle Suit No. 13/2023, the private respondents were restrained from entering into the suit property and dispossessing the plaintiff.

Subsequently, the Civil Court passed an order in an application filed under Section 151 of the Code directing the police authority to ensure that the order No.2 dated 9th January, 2023 is not violated. This was brought to the notice of the local police authorities, but the same was not complied with.

Learned counsel appearing for the State relies upon the report and submits as follows. On the complaint of the petitioner, several criminal cases had earlier been registered. On his complaint, a proceeding was also drawn up under Section 107 of the Code.

It appears that the police have taken some steps on the complaint of the petitioner by instituting a proceeding under section 107 of the Code.

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

However, the respondent authorities shall keep a sharp vigil at the locale and ensure that no breach of peace takes place. More particularly, the respondent authorities shall see to it that no order of a Civil Court is violated.

With the above observations, the writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Jay Sengupta, J.)