

47 23.11.2023
NB Ct. 14

WPA 22720 of 2023

Samar Mondal & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Manik Lal Poddar,
Mr. Sanjoy Ghosh,
Mr. S. Mallick.
...for the petitioners.

Mr. Ansar Mondal,
Md. Idrish.
...for the State.

Mr. Maidul Islam Kayal,
Mr. Sumit Naskar.
...for the respondent no.6.

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 petitioners are the owners of the land in question. The private respondents are neighbours trying to grab the petitioners' property. They are disturbing the peaceful possession and enjoyment of the petitioners' property. The petitioners moved an application under Section 144 of the Code of Criminal Procedure and were granted a favourable order. Despite this, police are not rendering any help for maintaining peace.

Learned counsel appearing on behalf of the respondent no.6 submits as follows. The allegations made in the writ petition are denied. In fact, the petitioners are the owners of a

portion of the said Dag No. who is having a property adjacent to that of the petitioners. The private respondents have not committed any unlawful act as alleged or otherwise.

Learned counsel appearing on behalf of the State relies on the report and submits that the disputes between the private parties are substantially civil in nature. However, on the complaint of the petitioners, a proceeding was initiated under Section 107 of the Code of Criminal Procedure.

It appears that a civil dispute exists between the private parties who are adjacent landowners.

If any of the parties want to establish any right in respect of such property, the same has to be done before a civil Court.

It also appears that the police authorities have taken some steps by initiating a proceeding under Section 107 of the Code of Criminal Procedure.

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

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

(Jay Sengupta, J.)