

24.11.2023

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W.P.A. 22974 of 2023

**Asit Roy
Vs.
The State of West Bengal & ors.**

Mr. Keshab Chandra Das
Ms Aparajita Mondal
Mr. Biplab Adak

... for the petitioners

Ms. Jhuma Chakraborty
Mr. Suddhadev Adak

... for the State

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

Despite service no one appears on behalf of the private respondents although the State is represented.

Learned Counsel for the petitioners submits as follows. The petitioner is the owner of the landed property in question. His name has been recorded in the Record of Rights. In spite of that the private respondents are disturbing the possession and enjoyment of that property by the petitioner. The petitioner was constrained to file a Civil Suit in this regard. By an order dated 12.4.2023 passed by the learned Civil Judge (Junior Division), Additional Court, Hooghly in T.S. No.145/2023, the defendants and their associates were restrained from disturbing the peaceful possession of the plaintiffs. The petitioner was also granted a favourable order in an application under Section 144 of the Code. All these were

brought to the notice of the police authorities. Yet, they have not taken steps to comply with the order of the Civil Court.

Learned Counsel appearing on behalf of the State submits as follows. There exists a civil dispute between the private parties. The petitioner was granted an interim injunction by the Civil Court. On the complaint of the petitioner the police have initiated a proceeding under Section 107 of the Code of Criminal Procedure.

It appears that the petitioner was granted an *ad interim* injunction by the Civil Court restraining the defendants from disturbing his possession in respect of the land in question.

The police also appears to have taken some steps by initiating a proceeding under Section 107 of the Code.

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

However, the police authorities shall maintain a sharp vigil at the locale, ensure that no breach of peace takes places 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.)