

21 30.11.2023
NB Ct. 14

WPA 23133 of 2023

Ratan Lal Agarwalla & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Sudipto Panda,
Mr. Subrata Ghosh,
Ms. Upama Nandy.
..for the petitioners.

Mr. Nabajit Prasad Basu,
Mr. Arindam Mitra.
...for the State.

Mr. Arunangshu Chakraborty,
Mr. Chirantan Sarkar,
Mr. Arijit Bera,
Ms. Geniya Mukherjee,
Ms. Zeba Rashid,
Ms. Shaika Amrin.
...for the private respondents.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners had purchased two floors at the property in question in the years 2011 and 2014 respectively. Thereafter, the same floors were sold to a third party by the original owner along with rest of the entire building in 2020. The petitioners lodged a complaint on this. An FIR was registered on allegations of cheating and forgery. Charge sheet was also submitted. He also filed a civil suit challenging the deed of sale. A civil Court granted an injunction in the petitioners' favour. The private respondents are now violating the injunction order. They are illegally stopping water supply to the petitioner and blocking ingress and egress to his flats/floors.

Learned counsel appearing on behalf of the private respondents submits that allegations made in the writ petition are denied. If there is a violation of any order of the civil Court,

the petitioners ought to have filed an application alleging contempt of Court, among other things. However, the private respondents are actually neither trying to stop water supply to the petitioner nor blocking the ingress and egress to the portion purportedly occupied by the petitioners. There is no question of doing such mischievous acts.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. There are several suits pending between the parties over the property. A criminal case is also pending. However, the police are keeping a close watch on the developments in the locality.

It appears that several suits and criminal case are pending between the private parties.

However, obstructing essential services like water supply or ingress and egress to one's residence is absolutely illegal. These are only mischievous acts and not means to take possession, for instance.

Be that as it may, it has been contended on behalf of the private respondents that they have never stopped water supply or blocked ingress and egress to the portion of the property occupied by the petitioners and there is no question of doing so.

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

However, the police shall keep a sharp vigil in the locality, ensure that no breach of peace takes place and see to it that no order of a civil Court is violated.

If any untoward incident occurs or is apprehended by the petitioners, they shall be at liberty to inform the Officer-in-

Charge of the Katwa Police Station over phone who shall then act in accordance with law.

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.)