

20 04.12.2023
NB Ct. 14

WPA 23228 of 2023

Saktipada Pradhan
Vs.
The State of West Bengal & Ors.

Mr. Bhaskar Chandra Mann.
..for the petitioner.

Mr. Indranil Roy, Sr. Govt. Adv.,
Mr. Tapas Kr. Mandal.
...for the State.

Ms. Randita Paul,
Ms. Abantika Garai.
...for the respondent nos.7,8,10&11.

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 on behalf of the petitioner submits as follows. The petitioner is the owner of the property in question. the private respondents have been disturbing the possession and enjoyment of the property by the petitioner. The petitioner was constrained to approach the civil Court as well as the learned Executive Magistrate. An order under Section 144 of the Code of Criminal Procedure was passed directing the police authorities to ensure that peace is maintained, among other things. Learned civil Court also directed both the parties to maintain status quo in respect of the nature, character and possession of the property. Despite this, the private respondents are violating the orders and making illegal

construction on the property. The petitioners happen to be the co-sharers in the said property.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. Pursuant to the order passed by the learned civil Court, police are keeping a strict vigil at the locale. A case being Patashpur PS Case No.512 of 2023 dated 06.10.2023 was registered under Sections 447, 188, 506 and 34 of the Penal Code and is being investigated. It appears that no illegal construction work is being carried on there.

It appears that there is a civil dispute between the private parties.

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

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

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

(Jay Sengupta, J.)