

20 18.10.2023
NB Ct. 14

WPA 23398 of 2023

Sarkat Ali Mondal
Vs.
The State of West Bengal & Ors.

Mr. Atis Kumar Biswas,
Ms. Jyoti Agarwal,
Ms. Piyu Mondal.
...for the petitioner.

Mr. K. J. Yusuf,
Ms. Rupsha Chakraborty.
...for the State.

Mr. Abdul Hamid Shaikh.
...for the respondent nos.6 to 11.

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the property in question. Earlier, the respondent nos.12 and 13 had filed a suit in respect of the same property against the respondent nos.6 to 11 and obtained a temporary injunction. The petitioner who was the owner of the property was not kept in the loop. The petitioner thereafter filed a civil suit against the respondent nos.6 to 11. The petitioner was granted a restraining order by the learned civil Court asking the defendants not to interfere with the possession and enjoyment of the suit property. In spite of this, they continued to violate the same. The petitioner prayed for a direction for police help in terms of Section 151 of the Code of Civil Procedure. The same was also granted. Yet, the police has not taken any steps.

Learned counsel appearing on behalf of the respondent nos.6 to 11 submits as follows. The allegations made in the writ petition are denied. In fact, his clients are in possession of the property in question.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. There is a civil dispute that exists between the private parties. However, on the complaint of the petitioner, an FIR was registered earlier which ended in a charge sheet. The police authorities have also filed a report in terms of the order passed by the civil Court. the police are keeping a close watch on the developments in the locality.

It appears that a civil suit is pending between the private parties.

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

It appears that the police have taken some steps in respect of the complaint made by the petitioner first by registering an FIR, submitting a charge sheet and then filing a report in terms of the civil Court's order.

The police authorities shall continue to 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.

The surveillance at the area shall include sending of frequent police patrols.

Since affidavits were not called for, allegations contained in the writ petition are deemed not to have been admitted.

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.)