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14.12.2023
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Ct 14

WPA 23415 of 2023

Pradip Das
-vs-
The State of West Bengal & ors.

Mr. Vivek Kumar Tripathi
Mr. Partha Pratim Mukhopadhyay
...for the petitioner
Mr. Prantick Ghosh
...for the respondent nos. 4 to 7
Mr. Subrata Guha Biswas
Mr. Sukalpa Seal
...for the State

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

Copy of the same is handed over to the learned counsel for the other side.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the land in question. He runs a business of Steel Manufacturing at the said land. He has trade licence for the same. The private respondents are rank outsiders having no right, title and interest in the property. They have been disturbing the possession and enjoyment of the property by the petitioner. The petitioner was constrained to approach the Civil Court. By an order dated 03.08.2020 passed by the learned Civil Judge, Jr. Division, 6th Court, Howrah in Title Suit No. 551 of 2020, the defendants were restrained from interfering with the suit property in any manner. In spite of this, the private respondents are violating the said order and continuing to

create disturbance in the area. In fact, on one occasion, they ransacked the petitioner's premises and looted away the articles. A complaint was made before the police, but no action was taken.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations made in the writ petition are denied. The private respondents had purchased a share in the property from one of the co-sharers. They are contesting a civil suit and would pray for appropriate relief. The dispute is purely civil in nature.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. There appears to be a civil suit pending between the private parties. However, on the complaint of the petitioner about ransacking and looting of articles, an FIR being Jagacha Police Station Case No. 231/23 dated 03.12.2023 has been registered. There is also a proceeding initiated under Section 107 of the Code.

It appears that the petitioner has already obtained an order of injunction from a Civil Court restraining the defendants from disturbing his possession.

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

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 be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)