

20 06.12.2023
NB Ct. 14

WPA 23425 of 2023

Prabhat Kumar Bera @ Prabhat Bera
Vs.
The State of West Bengal & Ors.

Mr. Gouranga Das,
Ms. Poulami Dutta.
..for the petitioner.

Ms. Sonal Sinha,
Mr. Avishek Prasad.
...for the State.

Mr. Taraknath Sarkar,
Mr. Goutam Malik.
...for the respondent nos.5 to16.

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 in which he has a temple. The private respondents are trying to disturb the possession and enjoyment of the property by the petitioner. They filed a civil suit in this regard, but failed to obtain any injunction. Yet, they are disturbing the petitioner and trying to prevent puja in the said temple.

Learned counsel appearing on behalf of the private respondent submits as follows. The allegations made in the writ petition are denied. A civil suit is pending regarding the property. However, the private respondents have not been

disturbing the possession of any one in respect of the said property.

Learned counsel appearing on behalf of the State relies on the report, denies any police inaction and submits that on the complaint of the petitioner, a proceeding has been initiated under Section 107 of the Code. Otherwise, the dispute is civil in nature.

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

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

It also appears that the police have taken some steps. On the complaint of the petitioner, a proceeding under Section 107 of the Code was initiated.

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.)