

WPA 23434 of 2023

M/s Jai Mata Di Commercial Private Limited

-vs-

The State of West Bengal & ors.

Mr. Narendra Prasad Gupta

Ms. Alvina Bakhteyar

Ms. Bhagyashree Kanjilal

...for the petitioner

Mr. Sujash Ghosh Dastidar

Ms. Maheswari Sharma

Ms. Tulika Banerjee

Ms. Sayori Mukherjee

...for the private respondent

Mr. Ansar Mondal

Mr. Md. Idrish

...for the State

Affidavit of service filed on behalf of the petitioner is taken on record.

Report filed by the State and a copy of the final report as handed over on behalf of the private respondent are also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the land in question. The private respondent has been trying to disturb the peaceful possession and enjoyment of the property by the petitioner. The petitioner was constrained to approach the Civil Court and the Executive Magistrate under Section 144 of the Code. Favourable orders were granted. In fact by an order dated 08.06.2023 passed by the learned Civil Judge, Junior Division, 3rd Court, Serampore, Hooghly in

T.S. No. 309 of 2023, the defendant was restrained from creating any obstruction as regards the peaceful possession of plaintiff over the said property. The private respondent is still violating such order.

Learned counsel appearing on behalf of the State denies any police inaction and submits as follows. On the complaint of the petitioner, a specific FIR was lodged. However, the investigation led to the filing of a final report. The dispute is otherwise civil in nature.

Learned counsel appearing on behalf of the private respondent submits as follows. The allegations made in the writ petition are denied. It would appear from the final report submitted in the case started by the petitioner that the private respondent was the actual owner of the property. The interim order that was passed by the Civil Court was an ex parte order.

It appears that there is a civil dispute pending between the private parties. If any of the parties wants to establish any further right in respect of such property, the same has to be done before a Civil Court.

So far as the allegations of the petitioner are concerned, a specific FIR was registered but the same resulted in a final report.

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.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)