

WPA 23538 of 2023

Sri Sukumar Choubey & ors.

-vs-

The State of West Bengal & ors.

Mr. Chandan Misra

...for the petitioners

Mr. Jayanta Das

Ms. Soumita Ghosh

...for the respondent nos. 6 to 8

Mr. Somnath Ganguly

Mr. Rajaram Banerjee

...for the State

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

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

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners have purchased the property in question in the year 1999. Since then he had been in a possession of the same. In 2021, the private respondents allegedly purchased a portion of such property. Thereafter, they had been disturbing the possession and enjoyment of the property by the petitioners. They had even cut down trees and damaged other portions of the property.

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, in fact, inherited the property by way of a probate. Since the

petitioners were creating trouble, they were constrained to file a civil suit and an order of injunction to maintain status quo was granted. The petitioners are violating the same.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. On the complaint of the petitioner, several steps have been taken and an FIR was lodged. Proceeding has been drawn up under Section 107 of the Code of Criminal Procedure. Otherwise, the dispute is purely civil in nature.

It appears that a civil dispute exists between the private parties. In fact, a civil suit is also pending.

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

It also appears that the police authorities have taken some steps by initiating a proceeding under Section 107 of the Code and by registering an FIR.

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

(Jay Sengupta, J.)

