

S/L 24
12.12.2023
Court No.14
SD

WPA 23678 of 2023

Sri Arindam Roy & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Siva Prasad Ghose

...for the Petitioners.

Mr. Asish Kumar Guha

Mr. Benazir Ahmed

...for the State.

Mr. Rahul Karmakar

Ms. Ishita Kundu

...for the Private Respondents.

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 petitioner is the owner of the property in question. The private respondents were disturbing the possession and enjoyment of the property by the petitioners. They were also undertaking illegal construction on a property. The petitioners were constrained to file a civil suit and order of status quo was granted. Subsequently, since there was a violation of the order, learned Civil Court directed the Officer-in-Charge of the Titagarh Police Station to implement the order of status quo. Despite this, construction is going on in violation of the Civil Court's order. This was brought to the notice of 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 are not carrying any construction work at the site in question and there is no question of violation of the Civil Court's order.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. On a local enquiry it was found that no construction work was going on at the site in question. However, on the complaint of the petitioners, a specific FIR being Titagarh Police Station Case No.262/2023 dated 22.5.2023 had been recorded under Sections 419, 420, 467, 468, 471, 34 of the IPC.

It is clear that a civil dispute exists between the private parties. A civil suit is also pending.

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.

It also appears that police authorities have taken some steps on the complaint of the petitioners. An FIR was registered. They are keeping a close watch on the development in the locality.

Therefore, no further order need to 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, WPA 23678 of 2023 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.)