

October 16, 2023
AD 275
Court No.14
SG

WPA 23702 of 2023

Sankar Narayan Sadhukhan
vs.
The State of West Bengal and others

Mr. A. Biswas
Mr. J. Roy Mukherjee
Mr. A. Singh
Mr. D. Karan
Mr. J. Agarwal
Ms. S. Mukherjee

... for the petitioner

Mr. Suddhadev Adak

... for the State

Mr. Debabrata Saha Roy
Mr. Subhankar Das

... for the private respondents

Affidavit of service filed in Court is taken on record.

Report filed by the State is also taken on record.

A copy of the sketch map of the area as prepared during a purported inquiry by the BL&LRO in the presence of others, as filed on behalf of the private respondents, is also taken on record.

Learned advocate for the petitioner submits as follows. The petitioner is the owner of the property in question. He has been running a shop, a godown and an oil mill there. The private respondents in the garb acting under the aegis of the Zilla Parishad have been trying to disturb the peaceful possession of the petitioner. The petitioner was constrained to file a civil suit in this regard. By an order dated 19.06.2023, the learned Civil Judge, Junior Division, 3rd Court at Krishnanagar, Nadia

in TS No.264/23 directed both the parties to maintain status quo in respect of the said property. On one occasion, the private respondents forcibly entered into the shop room and godown and looted away articles. A criminal case has been started. They went to perform Durga Puja on the petitioner's land. Police help was sought, but was denied.

Learned advocate for the private respondents submits as follows. The allegations made in the writ petition are denied. They are conducting Durga Puja for the last 30 years. All necessary permissions have been taken from the police. The schedule of the said property is not the place where Durga Puja is being conducted.

Learned advocate for the State relies on the report and submits as follows. There is a dispute pending between the private parties. However, the committee had been arranging Durga Puja since long.

It appears that the petitioner was able to obtain an order from a civil court granting status quo to be maintained by all in respect of the said property.

However, the private respondents state that they are not conducting Durga Puja on the schedule property.

The private respondents shall conduct Durga Puja in the portion of land which is not contained in the schedule property pertaining to the suit in question.

The organisers and the participants in Durga Puja shall not disturb the possession of the petitioner in

respect of godown and the shop room in respect of the said property.

No further order need be passed in this regard.

The police shall keep a sharp vigil at the locale, ensure that no breach of peace takes place and see that no order of a civil court is violated.

With these observations, the writ petition is disposed of.

Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

[Jay Sengupta, J.]