

WPA 23766 of 2023

Sushanta Naskar

-vs-

The State of West Bengal & ors.

Mr. Gautam Banerjee

Mr. Sandip Kr. Mondal

Ms. Priya Dey

...for the petitioner

Mr. K. J. Yusuf

Mr. P. Goswami

...for the State

Mr. A. Bikram Mahata

...for the private respondent

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 land in question. He has built a house there and is living peacefully with his family members. But the private respondents who are rank outsiders are disturbing the possession and enjoyment of the property by the petitioner. The petitioner was compelled to move the Civil Court. Decree was obtained in this regard. Yet, the private respondents continue to disturb the petitioner. It was brought to the notice of the police. But no steps were taken.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations made in the writ petition are denied. It is actually an undemarcated

property. That is why the dispute cropped up.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The police are keeping a close watch on the developments in the locality. On the complaint of the petitioner, they have initiated a proceeding under Section 107 of the Code of Criminal Procedure.

It appears that the petitioners have obtained a decree in a civil suit in respect of the property in question.

Therefore, if the private respondents want to establish any further right in respect of such property, they have to approach the Civil Court and/or file an appeal against the above referred order. They cannot physically disturb or create hindrance to the petitioner in his enjoyment of the property.

It also appears that the police have taken some steps by initiating a proceeding under Section 107 of the Code on the complaint of the petitioner.

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.)

