

October 16, 2023
AD 9
Court No.14
SG

WPA 24404 of 2023

Chinmoy Mistry
vs.
The State of West Bengal and others

Mr. Sabyasachi Chatterjee
Mr. Omar Faruk Gazi
Mr. Sayan Banerjee
Mr. Sandipan Das
Mr. Badrul Karim
Ms. Bidisha Das
Mr. Dipankar Das

... for the petitioner

Mr. Biswabrata Basu Mallick
Mr. Biman Halder

... for the State

Affidavit of service filed in Court is taken on record.
It does not appear that the private respondents could be served with notice.

Report filed by the State is also taken on record.

Learned advocate for the petitioner submits as follows. The petitioner is the owner of the property in question that includes a pond. The private respondent being a local club and its functionaries have been trying to grab the said property. They are dumping materials into the pond. The petitioner was constrained to file a civil suit. By an order dated 01.02.2023 passed by the learned Civil Judge, Junior Division, 5th Court, Alipore, the defendants were restrained from forcefully ousting the plaintiff from the said property. This was brought to the notice of the police, but no help was provided.

Learned advocate for the State relies on the report and submits as follows. After a complaint was lodged by the petitioner, a proceeding was initiated under Section 107 of the Code. The police are keeping a close watch in the locality.

It appears that the petitioner was granted an interim injunction restraining the other side from ousting him from the said property.

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

Therefore, 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.]