

October 16, 2023  
AD 13  
Court No.14  
SG

WPA 24908 of 2023

*Jutilal Majumdar*

*vs.*

*The State of West Bengal and others*

Mr. Sujay Bandyopadhyay

Mr. J. Das

Mr. P. Siddhanta

Mr. S. Saha

... for the petitioner

Mr. Pantu Deb Roy

Mr. Subrata Guha Biswas

... for the State

Mr. Sandipan Das

Mr. Subhankar Haldar

... for the private respondents

Affidavit of service filed in Court is taken on record.

Report filed by the State is also taken on record.

Learned advocate for the petitioner submits as follows. The petitioner is the father of the respondent No.7 and the father-in-law of the respondent No.8. The private respondents had been creating disturbance in the peaceful possession of the petitioner in respect of his property. They want to grab the property by ousting the petitioner and the other relatives from the said property. The petitioner was constrained to file a civil suit in this regard. By an order dated 09.08.2021 passed by the Civil Judge, Junior Division, 2<sup>nd</sup> Court, Baruipur, the defendant was directed not to disturb the plaintiff without due process of law. In spite of this, the atrocities committed by the private respondents continued. The

petitioner was constrained to lodge a complaint before the police. The police have not taken any steps.

Learned advocate for the private respondents submits as follows. The allegations made in the writ petition are denied. They were compelled to file a civil suit in which an interim injunction order was passed. They cannot be dispossessed from the property except by due process of law. Police help was also sought. In 2018, the respondent No.8 had lodged an FIR.

Learned advocate for the State relies on the report and submits as follows. Whenever any party approached the police with a complaint, the police should take steps. Earlier an FIR was registered by the respondent No.8. At present Narendrapur Police Station Case No.704 dated 02.08.2023 has been registered at the behest of the petitioner. There are civil suits pending between the parties.

It appears that there are civil suits pending between the parties.

It is made clear by the civil court by way of an interim injunction that the petitioner cannot be dispossessed from his own property.

The police have also taken steps on the complaints made by either of the parties,

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.

In the event any such untoward incident occurs or is apprehended by the petitioner, the petitioner shall be at liberty to inform the Officer-in-Charge of the local police station who shall take steps in accordance with law.

As affidavits were not called for, the allegations made are deemed not to have been admitted.

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. ]**