

16.06.2023
Court No.13
Item No.309
pk

WPA 26284 of 2022

Sisir Mondal & Ors.

Vs.

The State of West Bengal and Ors.

Mr. D.K. Adhikari,
Mr. Debdip Adhikari

... For the Petitioners.

Mr. Wasim Ahmed,
Sk. Md. Masood

...for the State.

Mr. Subrata Ghosh,
Ms. Jonaki Khan

..for the private respondents

1. The petitioners are aggrieved that a complaint dated 03.03.2022 has not been taken cognizance of by Raipur Police Station.
2. Counsel for the petitioners claim that the private respondents are effecting construction over their property. He further submits that the private respondents have not succeeded in either a civil suit or the first appeal and the second appeal is pending in the Court. There is no injunction or stay.
3. Counsel for the State submits that police have already taken out proceedings under Section 107 of the Cr. P.C.
4. This Court is of the view that there is no counter claim by the petitioner in any of the civil proceedings.
5. Be that as it may, the dispute between the petitioners and the private respondents is purely civil in

nature. The petitioners cannot claim any right on the basis of a decree of dismissal passed against the private respondents.

6. The petitioners may, therefore, institute appropriate civil proceedings in accordance with law.

7. The police shall ensure that there is no breach of peace in the area.

8. The instant writ petition is disposed of.

9. There shall be no order as to costs.

10. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)