

23.11.2023
Item No.23
Ct. No.1
PG/KS

MAT 2239 of 2023
With
IA No. CAN 1 of 2023

Sofikamal Mondal
Vs.
The State of West Bengal & Ors.

Mr. Srijib Chakraborty
Mr. Pankaj Agarwal
Ms. Manaswita Mukherjee
Ms. Champa Pal

.....For the Appellant

Mr. Tapan Kumar Mukherjee
Mr. Pritam Chowdhury
Mr. Somnath Naskar

.....For the State

Mr. A. K. Biswas
Mr. A. Singh
Mrs. J. Agarwal
Ms. P. Mondal

.....For the respondent nos.8 & 9

1. This intra-Court appeal by the writ petitioner is directed against the order dated 18th October, 2023 in WPA No.23513 of 2023. The writ petition was disposed of. On going through the said order, we find the learned Single Bench was perfectly justified in holding that the dispute between the petitioner and the private respondents is purely a civil dispute and the civil suit is also pending before the competent civil court. However, the grievance of the appellant is that the police authorities are trying to throw the appellant out of the premises in question.

2. It is not clear as to whether there is any interim order passed by the Civil Court. However, the police authorities are entitled to take action, if a criminal offence is committed or is likely to be committed. In fact, the learned Single Bench has also directed the police authorities to keep a sharp vigil at the locale to ensure that no breach of peace takes place and see to that no order of a civil court is violated. Therefore, the police should understand the scope of the order passed in the writ petition and if there is a civil dispute, the police should not interfere with the same. However, if there is any criminal act committed either by the appellant or by any of the third parties, it goes without saying that the police can take appropriate action in accordance with law.
3. With the above observations/directions, the appeal stands disposed of.
4. No costs.
5. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)