

WPA 26529 of 2023

Gokul Das
-vs-
The State of West Bengal & ors.

Mr. Omar Faruk Gazi
Mr. Dipankar Das
....for the petitioner
Mr. Suman Ghosh
Ms. Munmun Tewari
...for the State

Report filed on behalf of the State is taken on record.

From the affidavit of service, it appears that notices were served upon the private respondents.

Despite service, no one appears on behalf of the private respondents.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the property in question. There is an ongoing civil suit pending between the petitioner and the private respondents over such property. The private respondents have actually destroyed a portion of the mud house where the petitioner was staying. Now the petitioner is having to stay at the Varandah of the said house. The private respondent is undertaking illegal constructions in the property.

Learned counsel for the State relies on the report and submits as follows. No material could be found regarding destruction of any property. However, there are allegations

from both sides that the other side is violating the Civil Court's order of status quo in respect of the property. The police have intervened and asked both the sides to exercise restraint. In fact, on the complaint of the petitioner, a proceeding was initiated under Section 107 of the Code of Criminal Procedure.

It appears that a civil suit is pending between the parties and there is an order of status quo.

If any further right is sought to be established by any of the parties, the same has to be done before a Civil Court.

So far as the complaint of the petitioner is concerned, the police have already taken steps and initiated a proceeding under Section 107 of the Code.

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.)