

6  
30.11.2023  
ssi

Ct 14

**WPA 26531 of 2023**

Alamgir Hossain  
-vs-  
The State of West Bengal & ors.

Mr. Omar Faruk Gazi  
Mr. Dipankar Das  
....for the petitioner

Mr. Jayanta Samanta  
Mr. Supriya Majumder  
...for the State

Affidavit of service filed on behalf of the petitioner is taken on record.

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

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the property in question. The private respondents are the erstwhile owners who have been disturbing the peaceful enjoyment of the property by the petitioner. The petitioner was constrained to move a civil suit and an order of status quo was granted. In violation of the same, the private respondents have thereafter sold away the property to a third party who is trying to construct a masjid at the property. They have practically stopped the business that

was being run by the petitioner.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. Only an order of status quo was granted by the learned Civil Court. No parties were restrained from doing any particular act that they had been performing. However, the police have taken steps on the complaint of the petitioner and initiated a proceeding under Section 107 of the Code of Criminal Procedure. At present, there is no construction work going on over the land. The police are keeping a close watch on the developments in the locality.

It appears that there is a civil dispute pending between the private parties. An order of status quo has been granted in a civil suit filed by the petitioner.

If any of the parties wants to establish any further right in respect of the said property, the same has to be done before a Civil Court.

It also appears that on the complaint of the petitioner, the police have taken steps and initiated a proceeding under Section 107 of the Code of Criminal Procedure.

Therefore, no further order need be passed in this regard.

However, the police 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.)**