

December 4, 2023
AD 7
Court No.14
SG

WPA 26659 of 2023

Tapan Kumar Banerjee
vs.
The State of West Bengal and others

Mr. Arka Pratim Chowdhury
Mr. Sunny Nandy
Mr. Swayan Bhattacharya
Ms. Shreya Chakraborty
Ms. Tuhina Choudhury
... for the petitioner

Mr. Wasim Ahmed
Md. Shehabuddin
... for the State

Mr. Parvej Anam
... for the respondent No.5

Affidavit of service filed in Court is taken on record.

Report filed by the State is also taken on record.

A copy of a portion of the order dated 22.11.2023
filed by the private respondent is also taken on record.

Learned advocate for the petitioner submits as follows. The petitioner is the owner of the land in question. The private respondent had been trying to disturb the peaceful possession and enjoyment of such property by the petitioner. In fact, the private respondent has built a brick wall in front of the gate of the petitioner by totally blocking the petitioner's ingress and egress. This is an act of mischief and not raising of a dispute of civil nature.

Learned advocate for the private respondent submits as follows. The allegations made in the writ petition are denied. On 22.11.2023 by an order passed in TS

No.1842 of 2023 by the learned Civil Judge (Junior Division), 6th Court, Alipore, South 24 Parganas, the parties were directed to maintain status quo over the suit property.

Learned advocate for the State relies on the report and submits as follows. There is a civil dispute between the parties where the State has hardly any role to play. However, on the complaint of the petitioner, a proceeding under Section 107 of the Code has been initiated.

The photographs are appended to the report of the State are not complete, especially when juxtaposed with a copy of a photograph provided by the petitioner, which is taken on record.

It further appears that the order of status quo was passed ex parte.

As the dispute seems to be primarily civil in nature, the petitioner shall be at liberty to approach the learned civil court with an appropriate application in this regard which shall be considered by the learned court expeditiously and in accordance with law.

No further order need be passed.

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.]

