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22.12.2023
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Ct 14

WPA 28290 of 2023

Rabindranath Dolai
-vs-
The State of West Bengal & ors.

Mr. Sayan Banerjee
Mr. Kiran Sk.

...for the petitioner
Mr. Amal Kr. Sen
Mr. Lal Mohan Basu
...for the State
Mr. Arindam Paul
...for the respondent no.4

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

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

Copy of the report is served upon the other side.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner owns a fruit shop at Mouza Ganeshpur, District- South 24 Parganas. The private respondent had been trying to encroach upon such property and had been disturbing the possession and enjoyment of the same by the petitioner. This was brought to the notice of the police authorities, but no steps were taken.

Learned counsel appearing on behalf of the private respondents denies the allegations and submits that he is a hawker near to the shop belonging to the petitioner. The

private respondent has never disturbed the petitioner in running his business.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. On the complaint of the petitioner, a proceeding has been initiated under Section 107 of the Code. The police are keeping a close watch on the developments in the locality.

It does not appear that the private respondent has any civil or other justifiable cause to disturb the possession of the petitioner in running his business at the shop. However, the private respondent has also submitted that he has never disturbed the petitioner in running his business.

The police have also acted on a complaint of the petitioner by initiating 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 strict vigil at the locale and ensure that no breach of peace takes place.

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.)