

11 19.12.2023
NB Ct. 14

WPA 28396 of 2023

Arsed Gazi @ Arsed Ali Gazi & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Deeptangshu Kar,
Ms. Kavita Saraff.
...for the petitioners.

Mr. Amitesh Banerjee Id SSC.,
Ms. Ipsita Banerjee.
....for the State.

Mr. Satyajit Mahata,
Mr. Koushik Maity.
...for the respondent nos.8 to 11.

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

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

Learned counsel appearing on behalf of the petitioners submits that the petitioners are the owners of the land in question. The private respondents are rank outsiders. Yet, they are disturbing the possession and enjoyment of the property by the petitioners. The petitioners were constrained to move an application under Section 144 of the Code. A favourable order was passed, but the same is being violated. The police have not acted although the facts were brought to their notice.

Learned counsel appearing on behalf of the private respondents denies the allegations and submits that since 1990, they had been the owners of the property and in possession of the same. The petitioners had purportedly purchased the property subsequently only in 2005.

Learned senior standing counsel representing the State submits as follows. There is a civil dispute pending between the private parties. However, on the complaint of the petitioners, a proceeding has been initiated under Section 107 of the Code of Criminal Procedure.

It appears that a civil dispute exists between the private parties.

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 the police have acted on the complaints made by the petitioners 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 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 may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)