

OD-01

ORDER SHEET
WPO/1293/2023
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

BIRENDRA MISHRA AND ANR.
-VS-
STATE OF WEST BENGAL AND ORS.

BEFORE:
HON'BLE JUSTICE RAJASEKHAR MANTHA
DATE: 27TH JUNE 2023.

APPEARANCE:
Mr. S. Chakraborty, Adv.; Mr. J.K. Dhar, Adv.; Mr. Jain, Adv., for petitioners.
Mr. A. Banerjee, Sr. Adv.&Sr. Standing Counsel; Ms. I. Banerjee, Adv., for State.
Mr. O.N. Rai, Adv.; Mr. P. Agarwal, Adv., for private respondent.

THE COURT: The petitioners claim that the Hare Street Police Station had come to their premises on June 8, 2023 at 3 p.m. and intimidated and harassed them.

Counsel for the State submits that the police had gone to the premises on an earlier day to assist the bailiff attached to the Presidency Small Causes Court, Calcutta, in execution of a decree. It is also clarified that the police had gone to the premises on June 8, 2023 on a complaint received that there was a likely breach of peace at the locale.

The petitioners, however, submit that the decree has been executed and that they have nothing to say in that regard.

The private respondent/landlord is represented. It is submitted firstly that there is an order passed by the Executive Magistrate under section 144 of the CrPC against the petitioners. The petitioners have no claim whatsoever in the property.

The rights of the parties in a property are subject matter of a suit before the 7th Bench, City Civil Court at Calcutta, in T.S. No.966 of 2023, filed by the petitioners. There is an ex parte order of status quo passed on May 19, 2023. The parties may take appropriate steps before the civil court. The police shall act only in terms of any specific direction of the civil court on them. The Hare Street Police Station shall, however, also ensure that there is no breach of peace in the premises.

With the above directions, the writ petition stands disposed of.

(RAJASEKHAR MANTHA, J)

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