

WPA 441 of 2024

Sanju Malick
-vs-
The State of W.B. & ors.

Ms. Pampa Dey (Dhabal)
...for the petitioner
Mr. Amitesh Banerjee
Ms. Ipsita Banerjee
....for the State
Mr. Sanjay Karar
Mr. Arpan Guha
Mr. Abhilash Chatterjee
Mr. Saikat Dey
...for the private respondents

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is a co-sharer in the property in question. The respondent nos. 5 to 9 are also co-sharers. The petitioner filed a partition suit in which an interim injunction of status quo was granted directing the parties not to change nature and character of the property. A direction was also granted for rendering police help. In violation of this, the private respondents have been making illegal construction. This was brought to the notice of the police, but no steps were taken.

Learned counsel appearing on behalf of the State submits as follows. On the complaint of the petitioner, a specific case being Sankrail PS Case No. 209 dated 02.01.2024 under Section 188 of the Penal Code had been started. However, at present, there is no unauthorized

construction going on.

Learned counsel appearing on behalf of the private respondents denies the allegations and submits as follows. Before this writ petition, the petitioner has not specified who among the defendants had been making such unauthorized construction. However, the private respondents deny categorically that they have done any illegal construction that too in violation of a Civil Court's order.

It appears that the police have already responded by filing an FIR under Section 188 of the Penal Code.

Fortunately, the private respondents submit that no illegal construction is going on at present.

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.

As affidavits were not called for, allegations are deemed not to have been admitted.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)