

1264 06.05.2024
NB Ct. 14

WPA 1288 of 2024

Dr. Swapan Kumar Ganguly
Vs.
The State of West Bengal & Ors.

Mr. Debabrata Saha Roy,
Mr. Somnath Ganguly,
Ms. Mousumi Bhawal,
Ms. Srijita Niyogi,
Mr. Supratick Syamal.
...for the petitioner.

Mr. Wasim Ahmed,
Mr. M. Shehabuddin.
...for the State.

Mr. Kallol Kr. Basu,
Md. Jannat ul Firdous.
...for the respondent nos.9,10&13.

Ms. Manika Roy.
...for the respondent nos.7&8.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is one of the owners of the property in question. He is a 78 years old doctor staying at Lake Town. He is being prevented from entering into his own property at Taki by the private respondents and the police are doing nothing about it. Incidentally, the respondent nos.7 and 8 who happen to be the brothers of the petitioner had illegally sold away portions of the undivided property to others. Now they are instigating those others to create trouble. The respondent nos.9, 10, 11, 12 and 13 are the respondents who had purchased such portions of the property illegally.

Learned counsel appearing on behalf of the respondent nos.7 and 8 submits as follows. A civil suit filed by the petitioner

is pending. There is no restraining order there, but only an order of status quo requiring joint possession of the private parties to be maintained and not to transfer shares in the property.

Learned counsel appearing on behalf of the respondent nos.9, 10 and 13 denies the allegations and submits that there is no prayer for police help made by the petitioner before the civil Court. The property was purchased by his clients on 10.03.2015.

Learned counsel appearing on behalf of the State relies on the reports and submits as follows. There is a dispute between the private parties over the property in question. A civil suit is pending and an order of status quo was granted by the civil Court. Some portion of the land was also acquired by a club sited as "Rajib Brigade Club" and some portion at the back side of the house was lying vacant. The police are keeping a close watch on the developments in the locality.

The private respondents submit that they have not prevented the petitioner from entering into the property.

It appears that the petitioner had filed a civil suit, which is pending. An order of status quo was passed not to part with any interest in the property and to maintain such status quo of joint possession.

Whether some of the private respondents validly purchased the property and whether in spite of all the private respondent nos.7 and 8 staying at the existing house, the petitioner who stays at Lake Town has a right to stay at the same house are all subjects to be decided by the civil suit.

If any of the private respondents wants to establish any such further right in respect of the property, the same has to be established before the civil Court.

However, the police authorities 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 Court is violated.

If any untoward incident occurs or is apprehended by the private parties, they shall be at liberty to contact the Officer-in-Charge of the local Police Station who shall then act in accordance with law.

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.)