

22 15.01.2024
NB Ct. 14

WPA 2563 of 2023

Subhash Barman & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Goutam Banerjee,
Mr. Sandip Kumar Mondal.
...for the petitioners.

Mr. Amal Kr. Sen Id. AGP,
Ms. Shima Das (Sil).
...for the State.

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

It does not clear whether the private respondent could be served with notice.

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

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the owners of the land in question. The private respondents are rank outsiders who are disturbing the possession and enjoyment of the property by the petitioners. They are trying to dispossess the petitioners. A proceeding was initiated under Section 144 of the Code, but a report of the BL&LRO is awaited. The private respondents are still disturbing the petitioners. This was brought to the notice of the police, but no action was taken.

Learned Additional Government Pleader representing the State relies on the report and submits as follows. The allegation of police inaction is denied. The police have already

filed a report for the proceeding under Section 144 of the Code. They have also initiated a proceeding under Section 107 of the Code on the complaint of the petitioners. Otherwise, the matter is purely civil in nature.

It appears that a civil dispute exists between the private parties. A proceeding is also pending before the learned Magistrate under Section 144 of the Code.

It is also apparent that the police have also 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 place and see to it that no order of a Court, if any, is violated.

With these observations, the writ petition is disposed of.

Since affidavits were not called for, allegations contained in the writ petition are deemed not to have been admitted.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)