

S/L 10
11.3.2024
Court No.14
SD

WPA 3521 of 2024

Osiman Bibi & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Pritam Majumdar
Mr. Rahul Deb Goenka

...for the Petitioners.

Mr. Wasim Ahmed
Sk. Md. Masud

...for the State.

Sk. Mezamuddin
Sk. Jahadar Ali

...for the Respondent No.4.

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 as follows. The petitioners and the respondent no.4 are the co-owners of the undivided property in question. In spite of an order of injunction passed by a civil court restraining the parties from changing the nature and character of the property, the respondent no.4 is trying to construct a building on the said undivided property. The respondent no.5 to 7 are the legal heirs of the respondent no.4 who are helping in this. Police help was sought, but was denied.

Learned counsel appearing on behalf of the respondent no.4 denies the allegations and submits that as per a mutual agreement the private respondents were allowed by the petitioners to make construction.

Learned counsel appearing on behalf of the State relies on the report and submits that there is a civil dispute existing between the private parties. It does not appear that any construction is going on at present. However, the police are keeping a close watch on the developments in the locality.

It appears that a civil suit is pending between the parties and there is an order passed by the competent civil court restraining the parties from changing the nature and character of the property.

If any of the private parties wants to establish any further right in respect of the said property, the same has to be done before a civil court.

Therefore, 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 civil court is violated.

The surveillance shall include frequent visits by police patrol.

With these observations, WPA 3521 of 2024 is disposed of.

Since the Court did not invite the parties to file affidavits, the allegations made 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.)