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13.5.2024
Ct. No. 14
SB

W.P.A. 3937 of 2024

Jagodish Middya & Anr.
Vs.
The State of West Bengal & Ors.

Ms. Malabika Roy Dey.
...for the petitioners.

Mr. Somnath Ganguli Id.AGP.,
Ms. Sukalpa Seal for the State

Mr. Sounak Bhattacharya,
Mr. Sounak Mandal,
Mr. Abhirup Halder,
Mr. Anirban Saha Roy..
... for the private respondent.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners have purchased a property from the respondent no. 4 and have taken possession of the same. Suddenly they found that the local police officers came and put a lock on the main door of the premises. Complaints were filed before the police, but no steps were taken.

Learned counsel for the private respondents denies the allegation and submits as follows. The proposed sale never went through as the entire payment was made by the petitioners. This prompted the private respondent to file a civil suit being T.S. No. 15 of 2022 before the learned Civil Judge (Senior Division)^{1st} Court, Baruipur. In fact, an order of *status quo* was granted upon both the sides. The possession is still with the private respondents.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. Local enquiry revealed that the private respondents intended to sell to the writ petitioners the property in question. But, due to monetary issue the

process of sale was postponed. A civil suit was filed by the petitioners. It is true that there is a temple inside the boundary of the house where a priest performs puja. However, on the complaint of either side, F.I.Rs have been lodged and charge sheet have been submitted.

At this stage learned counsel for the petitioner points to a blatant error allegedly present in the report of the State that the sale did not proceed. A copy of the sale deed executed between the private parties has been annexed in the writ petition.

It appears that there is a civil dispute pending between the private parties. If any of the parties wishes to establish any further right in respect of the property, the same has to be done before the Civil Court.

It also appears that the police have taken steps on the basis of the complaints filed by both the sides registered an F.I.Rs. and submitted charge sheets.

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 no affidavit called for, the allegations made are deemed not to have been admitted.

Parties shall act on a server copy downloaded from the official website of this Court.

(Jay Sengupta, J.)