

April 5, 2024
AD 17
Ct. No.14
SG

WPA 6858 of 2024

Prabhat Kumar Bera @Prabhat Bera
vs.
The State of West Bengal and others

Mr. Gouranga Kumar Das
Ms. Poulami Dutta
... for the petitioner.

Mr. K.J. Yusuf
Mr. Sanjay Mukherjee
... for the State.

Mr. T. Sarkar
Mr. G. Malik
... for the private respondents.

Learned counsel appearing for the petitioner submits that the petitioner is the owner of the property in question in which he has a temple. The private respondents have been trying to disturb the possession and enjoyment of the property by the petitioner. They have filed a civil suit in this regard, but failed to obtain any injunction. Yet, they continue to disturb the petitioner and are trying to prevent puja in the temple. On 06.12.2023 this Court directed the police authorities to 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. At the hearing it was contended on behalf of the private respondents that the private respondents had not been disturbed the possession of anyone in respect of the said property. Yet, the private respondents are trying to instigate the local people to

socially boycott the petitioner and his family. The report of the State mentions about dag No.3512/3757. However, the property for which a copy of deed is annexed shows dag No.3757 only.

Learned counsel appearing for the private respondents denies the allegations and submits that a civil suit is pending, which will decide the fate of the property. There is no hindrance caused by the private respondents in holding of the puja at the temple. Record of rights also shows that the property is recorded in the name of the "Sebait" in question.

Learned counsel appearing for the State relies on the report filed earlier and submits that enquiry was done on the allegations of the petitioner of the incident on 05.01.2024. But, the allegations could not be sustained. The villagers worship at the temple in the morning and evening everyday. During closure of the temple the temple remains under lock and key. The lock and key remain with the "Sebait".

It appears that the petitioner disputes the number of the plot of land that was donated by his predecessor for building a temple. On the other hand, the private respondents rely on the record of rights.

This application involves disputed questions of fact that can best be decided by the civil court, where the suit is pending.

At this stage, this Court will only ask the police to keep a sharp vigil at the locale and ensure that there is no breach of peace.

When the temple remains open there shall be no impediment on the petitioner to enter into the same like other devotees to worship.

Therefore, no further order need be passed in this regard.

With these observations, the writ petition is disposed of.

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

[Jay Sengupta, J.]