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01.05.2024
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Ct 14

WPA 9112 of 2023

Rina Manna

-vs-

The State of West Bengal & ors.

Mr. Md. K. Basar Bulbul

Mr. Kamal Jahiruzzaman

...for the petitioner

Mr. Ganga Prasad Mukherjee

...for the respondent nos. 9 to 16

Mr. Lalit Mohan Mahata

Mr. Rudranil De

...for the State

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner became the owner of the property in question by dint of inheritance. The private respondents are local anti socials who are disturbing the peaceful possession of the property and are trying to grab the same. The petitioner was constrained to file a civil suit. An injunction order was granted restraining the private respondents from disturbing the possession of the property by the petitioner. Yet, the same is being violated. This was brought to the notice of the police, but the police have not taken any steps.

Learned counsel appearing on behalf of the private respondents submits as follows. The private respondents are the villagers. On a portion of the property, there is a temple and a Durga Puja is held every year. All these properties

actually belong to the deity and are managed by the villagers.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The petitioner has been complaining that her property is being encroached upon by the villagers. In a portion, there is a debutter property which is managed by the petitioner's family. There is also a Civil Court's order restraining the private respondents from disturbing the petitioner in respect of the property. On the petitioner's complaint, several GD entries have been lodged. The police are keeping a watch on the developments in the locality.

The petitioner appears to be armed with a Civil Court's order. If any of the parties wants to establish any further right in respect of the property, the same has to be done before a Civil Court and not by exercise of brute force.

It appears that despite complaints made before the police authorities, only GD entries have been lodged. If the alleged disturbances persist, the police authorities shall explore the possibilities of invoking Section 107 of the Code of Criminal Procedure.

The police authorities shall also 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.

In the event, further police help is required, the petitioner shall make appropriate representation before the

Officer in Charge of the local police station who shall consider the same expeditiously and in accordance with law.

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

(Jay Sengupta, J.)