

S/L 19
29.01.2024
Court No.14
SD

WPA 9409 of 2023

Mahiuddin Sarkar @ Mahiruddin Sarkar
Vs.
The State of West Bengal & Ors.

Mr. Subhendu Bandyopadhyay
Mr. Arindam Mitra

...for the Petitioner.

Sk. Md. Galib
Ms. Tanwishree Mukherjee

...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 purchased the property in question in 1993. Thereafter, they have been in possession of the same. In fact, their names were mutated in the land records. However, different groups of people have been troubling the petitioner and disturbing his peaceful possession of the property at different times. First, he had to file a civil suit and a decree was obtained. Now, different sets of persons are creating disturbances. This prompted the petitioner to approach the learned Executive Magistrate with an application under Section 144 of the Code. A favourable order was passed. Yet the police are not rendering any help for the petitioner to make any construction, even of a boundary wall on the said property.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. On the complaint of the petitioner, several proceedings have been drawn up including under Section 107 of the Code of

Criminal Procedure. A report has also been filed in a proceeding under Section 144 of the Code initiated by the petitioner. The police are keeping a close watch on the developments in the locality.

If the petitioner, as the owner of the property in question, is in possession of the same and has been lawfully trying to put up a boundary wall to protect his property, there should not be any hindrance to the same, unless set up in accordance with law.

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 any court is violated.

In the event any untoward incident occurs or is apprehended by the petitioner, the petitioner shall be at liberty to call up the Officer-in-Charge of the local police station who shall then act in accordance with law.

With these observations, WPA 9409 of 2023 is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)