

Sl.No.
46 12.11.2024
Court
No. 35
G.S.Das

WPA 9632 of 2023

Sukumar Adak & Ors.
-Vs-
The State of West Bengal & Ors.

Mr. Amit Ranjan Pati
Ms. Swastika Chowdhury

... for the Petitioner

Mr. Asim Kr. Ganguli
Mr. Subrata Das Gupta

...for the State-respondent

Mr. Achyut Basu
Mr. Kartik Chandra Kapas
Ms. Punam Basu
Mr. Rupchand Chakraborty
Ms. Prithi Biswas
Mr. Anirban Saha

... for the respondent nos. 4 and 5

The petitioner is aggrieved by the

fact that his property has been

encroached by installing pipelines.

To that effect, learned advocate

for the petitioner approached the learned

Executive Magistrate.

Learned advocate for the

respondents opposes the contentions

advanced by the petitioner and submits

that a Civil Suit/ Second Appeal is pending in respect of the disputes and differences arising out of the said property.

Learned advocate for the State has submitted a report. Let the same be kept with the record.

Having considered that the petitioners are already before the court having jurisdiction to decide their rights, I am of the view that the powers of this Court under Article 226 of the Constitution of India need not be invoked.

However, as contended by the petitioners and the private respondents, both the parties are contesting before the court of law.

The officer-in-charge of Khanakul P.S. would keep a strict vigil and ensure that no breach of peace and tranquility

takes place at the behest of either of the parties.

The police authority would also ensure that there is no untoward incident which stems out from the subject property in dispute.

With the aforesaid observations, WPA 9632 of 2023 is disposed of.

Report so submitted be kept with the record.

A copy of the report be handed over to the learned advocate for the both the parties

Affidavit of service so filed be kept with the record.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)

