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24.04.2024
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Ct 14

WPA 15900 of 2023

Dipti Kumar Mondal & anr.
-vs-
The State of West Bengal & ors.

Mr. Kamalesh Jha
Mr. Sujit Gupta
Mr. Soukteya Ganguly
Ms. Shayani Das
..for the petitioners

Mr. Subir Sanyal
Mr. Chittapriya Ghosh
Mr. Soumik Ganguly
Mr. Ratul Biswas
Ms. Aysharya Gupta
Mr. Kaushik Chowdhury
Mr. Soumyadipa Kanu
Mr. Sourojit Mukherjee
...for the private respondent

Mr. Somnath Ganguly
Mr. Raja Ram Banerjee
....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 is conducting pisciculture in a water body. The private respondents are disturbing his possession and enjoyment of such property. Civil suit is pending and an interim order of injunction has been granted in favour of the petitioner restraining the private respondents from disturbing him from taking his fish from the scheduled property.

Learned senior counsel representing the private respondents denies the allegations and submits as follows. The water body is owned by as many as 50 individuals. It is difficult to demarcate the pond and find out which fish belongings to whom. That apart, the condition of the water body is such that there can hardly be any pisciculture done there.

Learned counsel appearing on behalf of the State relies on the report and submits that a report has been submitted before the learned Civil Court as required. On the complaint of the private parties, FIR has been registered and charge sheet submitted. Even a proceeding under Section 107 of the Code has been initiated. It appears that a civil dispute exists between the private parties.

If any of the parties wants to establish any further right in respect of the property, it has to be done before a Civil Court.

It also appears that police have taken appropriate steps when complaints were made by the private parties.

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

However, 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 a Civil Court is violated.

With these observations, the writ petition is disposed of.

Since affidavits were not called for, allegations are

deemed not to have been admitted.

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

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(Jay Sengupta, J.)