

S/L 22
22.3.2024
Court No.14
SD

WPA 17865 of 2022

Malati Singha & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Bhudeb Chatterjee
Mr. Goutam Bhakat

...for the Petitioners.

Mr. Rajarshi Basu
Mr. S.T. Mina

...for the State.

Affidavit of service filed on behalf of the petitioners is taken on record.

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

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the owners of the land in question. There is a “majar” near the petitioners’ property. Earlier the petitioner had donated a portion of land to the said “majar”. The private respondents are the individuals looking after the said “majar”. In order to protect the rest of the property of the petitioners, they intended to put a boundary wall surrounding their property. The private respondents and other miscreants of the locality are now trying to prevent the same. This prompted the petitioners to move the civil court. By an order dated 17.8.2021 passed by the learned Civil Judge (Junior Division), 3rd Court, Paschim Medinipur in Title Suit No.404 of 2021, the defendant nos.1 and 2 were restrained from disturbing the peaceful possession and construction work of the plaintiffs and not to

do any act of dispossession in respect of the Schedule A property. Subsequently, police help was directed to be given in this regard. Yet, the police have not rendered help to carry out the order so that the construction of the boundary wall can be completed.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. There were some disputes between the private parties earlier, which led to initiation of proceeding under Section 107 of the Code. A title suit is also pending in this regard. The police have filed a report before the Civil Court.

Because of donating their own land, the petitioners cannot be made to get into further trouble of not being able to protect their property.

Furthermore, there is a clear and unambiguous direction of the Civil Court that the defendants shall not dispossess the petitioners or disturb their peaceful possession of the property or prevent them from making necessary construction. Police were directed to render help in this regard.

If the police had not yet rendered sufficient help, they shall render help to the petitioners for constructing a boundary wall around their property and to carry out the mandate of the order passed by the civil court.

For this, a prior notice of 48 hours' shall be given by the petitioners to the Officer-in-Charge, Kotwali Police Station about the date and time on which the petitioners want to commence such work.

If the petitioners are required to put in any costs for posting a police picket or like, the same shall be intimated to the petitioners who shall do needful.

Even otherwise, the police authority shall keep a sharp vigil at the locale, ensure that no breach of peace takes place and see to it that no order of civil court is violated. Surveillance shall include frequent visits by police patrol.

With these observations, WPA 17865 of 2022 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.)