

01.10.2024
Item No.134
Ct. No.35
dc.

W.P.A. 20319 of 2024

Ranjit Mallick
versus
The State of West Bengal & Ors.

Mr. Sandip Ghosh,
Mr. Partha Sarkar ... For the Petitioner.

Mr. Asish Kumar Guha,
Mr. Benazir Ahmed ... For the State.

Mr. Arijit Chatterjee,
Ms. Susmita Mukherjee
... For the Respondent Nos. 5, 6 & 7.

Affidavit-of-service filed in Court today be
kept with the record.

Report submitted by the learned advocate
appearing for the State be also kept with the record.

Learned advocate appearing for the petitioner
is aggrieved by certain act and actions of the private
respondent nos. 5, 6 and 7. A Title Suit being T.S.
No. 1859 of 2023 has been preferred wherein an ad
interim injunction order was passed by the learned
Civil Judge (Junior Division), 1st Court, Howrah
vide order dated 22.12.2023. The learned Civil
Judge in his order expressed that the petitioner
should not be dispossessed without due process of
law.

The petitioner claims that attempts are being
made to dispossess him and there has been
demolition in respect of a part of his property where
he is in occupation.

Be that as it may, the civil court is already in seisin of the matter. As such, this Court will not enter into the domain as to whether the petitioner is a legally entitled occupier or not. However, the police report reflects that a criminal case has been initiated being Bally PS Non-Cog. Report No. 594 dated 22.08.2024 against the private respondent nos. 5, 6 and 7.

In view of the contentions of the respective parties, I direct that the police authorities will ensure that no breach of peace takes place at the locale with regard to the subject property in dispute and would respect and honour any order passed by the civil court so far as possession of the property is concerned.

With the aforesaid observations, the writ petition being WPA 20319 of 2024 is disposed of.

Pending connected application, if any, is consequently disposed of.

There shall be no order as to costs.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)