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23.09.2024
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WPA 20613 of 2024

Chittaranjan Manik
Vs.
The State of West Bengal & Ors.

Mr. A. K. Poria
... for the petitioner.

Mr. R. Mukhopadhyay
... for the respondent nos. 4 to 7

Ms. Jhuma Chakraborty
Ms. Kakali Naskar
... for the State.

The petitioner lodged a complaint before the Officer-in-Charge, Shyampur Police Station on August 1, 2024 alleging that the private respondents have illegally put up fencing on the property in question and is also threatening the petitioners. In the said complaint, the petitioner has prayed before the police authorities to give adequate protection to the life and property of the petitioner.

Learned advocate for the private respondent submits that a civil suit is pending and an order of status-quo with regard to possession, nature and character of the property in question is in subsistence.

Heard learned advocate for the State.

It is not in dispute that Title Suit being T.S. No. 393 of 2021 between the petitioner and the private

respondent is pending before the Civil Judge (Junior Division), 2nd Court at Uluberia, Howrah and the learned Civil Judge by an order dated September 2, 2021 directed the parties to maintain status quo in respect of possession, nature and character of the scheduled property for a limited period.

The learned advocate for the petitioner submits that the ad interim order of injunction was extended from time to time and the same is still in subsistence.

Since the Civil Court is in seisin over the dispute between the parties, this Court cannot direct the police authority to remove the fencing alleged to have been put up on the property in question. Further, in so far as the allegation with regard to the threatening to the petitioners and prayer made for protection of the life and property of the petitioners is in question, the Officer-in-Charge of the Shyampur Police Station is directed to see that no breach of peace takes place at the locale.

With the above observations and directions, the writ petition stands disposed of.

There shall, however, be no order as to costs.

(Hiranmay Bhattacharyya, J.)

