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25.09.2024
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WPA 21616 of 2024

Taj Mahammad Mondal
Vs.
The State of West Bengal & Ors.

Mr. Moniruzzaman
... for the petitioner.

Mr. Dhananjay Banerjee
Mr. J. I. Hossain
... for the respondent no. 10.

Ms. Sabnam De Bardhan
Ms. Rupsha Chakraborty
... for the State.

The grievance of the petitioner is that the private respondents are creating disturbances in the peaceful possession and enjoyment of the property of the petitioner.

Learned advocate for the petitioner submits that in spite of the fact that the complaint in that regard has been submitted before the Officer-in-Charge, Domkal Police Station vide letter dated May 15, 2024 but no steps have been taken by the police authorities.

Learned advocate for the private respondent submits that the private respondent has filed a suit for partition being T.S. No. 113 of 2023 before the learned Civil Judge (Senior Division), Berhampore and the learned Trial

Judge by an order dated March 3, 2023 passed an order directing the plaintiff i.e. the private respondent as well as the defendant nos. 1 and 2 i.e. the petitioner to maintain status quo with regard to the nature and character of the suit property as it stood as on that date.

Learned advocate for the private respondent filed an information slip wherefrom it appears that the said order of status quo is still in subsistence. However, the fact of pendency of the civil suit has not been disclosed in this writ petition.

Learned advocate for the State files a report of the Inspector-in-Charge, Domkol Police Station dated September 4, 2024, which is taken on record. It appears from the said report that the police authorities have submitted a prosecution against the private respondent no. 10 under Section 126(2) of BNSS vide Domkal P.S. NCR No. 1272 of 2024 dated September 4, 2024.

In so far as the allegation of the petitioner that the private respondents are creating disturbances in the peaceful possession of the petitioner in respect of the property, which is the subject matter of a civil suit, this Court is not inclined to grant any relief to the petitioner. Petitioner

will be at liberty to approach the Civil Court for appropriate reliefs in that regard. However, the police authorities are 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.)