

21. 23.04.2024
bd. Ct.14

WPA 22020 of 2023

Hafijul Molla
-vs-
State of West Bengal & Ors.

Mrs. Juin Dutta Chakraborty
Mr. Bidhan Modak ... for the petitioner.

Mr. K.J. Yusuf
Mr. Parikshit Goswami ... for the State.

Mr. Prantik Ghosh
Mr. Prasad Bhattacharya ... for private respondents

Affidavit of service filed on behalf of the petitioner is taken on record. Report filed on behalf of the State respondents is also taken on record.

Learned counsel appearing for the petitioner submits as follows. The petitioner is the owner in respect of a land along and a co-sharer along with the private respondents in respect of another piece of land in question. The private respondents ousted the petitioner from his possession to such property. However, after filing this writ petition, with police help, the petitioner was able to enter into his property and is residing there. However, private respondents are creating disturbances.

Learned counsel appearing on behalf of the private respondents submits as follows. There are civil litigations pending between the private parties. The Petitioner filed suits against his own father and brothers even after his father had gifted a property to him. It is the petitioner who is actually creating

all the trouble. However, the private respondents have not prevented the petitioner from entering the house or are in any way disturbing the petitioner.

Learned counsel appearing on behalf of the State relies on the report submits as follows. There are civil suits pending between the private parties. Upon allegations made by private parties, criminal cases had to be registered and even a proceeding under section 107 of the Code was initiated.

It appears that the grievance of the petitioner that he had been ousted from the property by the private respondents has already been redressed.

Fortunately, the private respondents have submitted that they have not been disturbing the petitioner.

If any of the parties wants to establish any further right in respect of the property, the same has to be done before the Civil Court and not by exercise of brute force.

It also appears that police have taken steps by initiating proceedings on complaints by private parties.

Therefore, no further order need be passed in this regard. However, Police shall maintain peace and see to it that no order of a civil Court is violated.

With these observations the writ petition is disposed of.

As affidavits were not called for, the allegations made are deemed not to have been admitted.

Urgent photostat certified copy of this order, if applied for, be supplied to the petitioner, on priority basis on compliance of all usual formalities.

(Jay Sengupta, J.)