

Sl. No.21
09.01.2024
Court no.14
sd

*IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE*

W.P.A. 22155 of 2023

*Ayub Molla
Vs.
The State of West Bengal and Ors.*

Ms. Reshmi Hossain
Mr. M. Hossain
Ms. M. Biswas
Ms. M. Bramhachari

.....for the petitioners.

Ms. Sohini Chakraborty
Ms. Prajaanini Das

....for the O. P Nos. 10-13 & 15.

Mr. Suman Ghosh

..for the State.

Affidavit in reply filed by the petitioners is taken on record.

Report submitted by the learned advocate for the State is also taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners' grandfather is the recorded owner of the property in question. Of late, certain trespassers have constructed some "pukka" structures over a portion of the property. This prompted the petitioners to approach the civil court and an interim order of injunction was granted in favour of the petitioners restraining the defendants therein from disturbing the possession of the petitioners. Even

thereafter, the private respondents have been disturbing the possession and enjoyment of the property by the petitioners. Several complaints were made before the police authorities, but no steps were taken.

Learned counsel for the private respondent nos. 10-13 and 15 submits as follows. The allegations made in the writ petition are denied. The private respondents are not party to the suit filed by the petitioners. In fact, the petitioners have suppressed the fact that the private respondents have also filed a suit and obtained an interim order of injunction against the defendants therein that they shall not disturb the construction work undertaken by the private respondents.

Learned advocate appearing on behalf of the State relies on the report and submits as follows. Both the private respondents claim rights in respect of the property in question. Civil suits are pending. Injunctions were granted. However, the private respondents have not produced any document before the police authorities in respect of their right or for that matter, a copy of any order from the civil court. That is why the police authorities initiated the proceeding under Section 188 of the IPC and stopped the work at the property in question.

It appears that civil suits are pending between the private parties. If any of the private respondents wants

to establish any further right in respect of the property in question, the same has to be done before a civil court.

It appears that the police have taken steps in respect of the complaint of the petitioners. Therefore, no further order need be passed in this regard.

However, the police authorities shall also abide by the orders passed by the learned civil court.

The private respondents shall be also at liberty to communicate orders passed by the courts of law to the Officer-in-charge, Bhangore Police Station.

The police authorities shall keep a sharp vigil at the locale, ensure that no breach of peace takes place and see to it that no order of a civil court is violated.

With the aforesaid observations, the writ petition being WPA 22155 of 2023 is disposed of.

All concerned parties are to act in terms of a copy of this order downloaded from the official website of this court.

(Jay Sengupta, J.)