

03.10.2024
Sl. No. 78
g.b.
Court No.07

W.P.A. 23348 of 2024

Radharani Das & Anr.
-Vs-
The State of W. B. & Ors.

Mr. Prasanta Banerjee
Mr. Shankha Miaty
Mr. Sarthak Singh
.....For the Petitioners
Mr. Ratul Deb Banerjee
....For the Respondent Nos. 7 & 8
Mr. Somnath Ganguli
Ms. Kalpita Paul
.....For the State

Affidavit of service filed in court today is taken on record.

The petitioners allege that the private respondent no. 7 and 8 herein are creating disturbances in the peaceful possession of the petitioners in respect of 'Ka' schedule property.

The petitioners filed a suit being Title Suit No. 266 of 2016 before the learned Civil Judge (Jr. Division), 2nd Court, Chandannagar against the private respondents herein. The said suit was decreed ex parte by a judgement and decree dated April 7, 2021 thereby declaring that the plaintiff/ petitioners herein is the 16 annas possessors and occupiers of 'Ka' schedule property by virtue of a registered deed of gift and the defendant/private respondents herein have no right, title and interest upon the 'Ka' schedule property. The petitioners also got a decree for permanent injunction against the private respondents from obstructing the petitioners in respect of 'Ka' schedule property and from dispossessing the petitioners from their possession in respect of the 'Ka' schedule property. The petitioners lodged a complaint with the Officer-in-charge, Haripal Police Station being GDE 1375 dated 19th April, 2024 and

a written complaint with the Officer-in-charge, Haripal Police Station dated 29th April, 2024.

The learned advocate appearing for the petitioners submits that in spite of receipt of such complaint, the police authorities have not taken any step with regard to such complaint.

The learned advocate appearing for the private respondents disputes the submission of the learned advocate for the petitioners. He submits that the private respondents herein are not creating any disturbance in the peaceful possession of the petitioners in respect of the property. He further submits that the private respondents have not done any act in violation of the decree for permanent injunction.

Such submission of the private respondents is placed on record.

Mr. Ganguly, learned advocate appearing for the State files the report of the Officer-in-charge, Haripal Police Station dated 29th September, 2024 wherefrom it appears that with regard to the registration of the GDE being Haripal P. S. GDE No. 1375 dated 19th April, 2024 enquiries were made and a report that the case is a non-cognizable case has been submitted vide Haripal Police Station Non-cognizable Report no. 651/2024 dated 01.05.2024 against the alleged person, namely, Tapasi Adak @ Bula under Section 107 of the Code of Criminal Procedure . The report further states that on the basis of the complaint dated 5th July, 2024, a proceeding under Section 166/135 BNSS has also been submitted. The report further states that on the basis of the complaint dated 25th July, 2024, the police authorities made enquiry and another proceeding under Section 126 of BNSS has been submitted.

Therefore, it is evident that the police authorities have taken steps on the basis of the complaint lodged by the petitioners on several occasions.

In case, the petitioners allege that the decree for permanent injunction is being violated by the private respondents herein, it will be open to the petitioners to take steps for executing the said decree in accordance with law.

The Officer-in-charge, Haripal Police Station is directed to ensure that no breach of peace takes place at the locale.

With the above observation and direction, the writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties after completion of all necessary formalities.

(Hiranmay Bhattacharyya, J.)