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04.01.2024
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Ct 14

WPA 23218 of 2023

Sufal Mondal

-vs-

The State of West Bengal & ors.

Mr. Kaushik Sarkar

...for the petitioner

Mr. Amitesh Banerjee

Mr. Suddhadev Adak

...for the State

Affidavit of service filed on behalf of the petitioner is taken on record.

Despite service, no one appears on behalf of the private respondents.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner purchased a property and went there to reside in the said house. The private respondents who are the neighbors of the petitioner violently resisted the same and did not allow the petitioner to enter into the property. This was brought to the notice of the police, but no action was taken.

Learned senior standing counsel representing the State relies on the report and submits as follows. The matter pertains to dispute between relatives over a property. On the

complaints made from both the sides, proceedings have been initiated under Section 107 of the Code of Criminal Procedure. The police are keeping a close watch on the developments in the locality.

It appears that there exist a civil dispute between the private parties.

If any of the parties wants to establish any further rights in respect of the said property, the same has to be done before a Civil Court.

No one has a right to take law in his own hand.

However, if the petitioner has purchased a separate property where the private respondents have no interest then there shall be no impediment upon the petitioner to enter into such property.

Therefore, 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 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 be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)