05.11.2024
Item No.108
Ct. No.35
dc.

W.P.A. 24453 of 2024

Ram Chandra Shaw & Anr.
versus
The State of West Bengal & Ors.

Mr. Harisankar Chattopadhyay,
Ms. Satabdi Bhattacharya ... For the Petitioners.

Mr. Jahar Lal De,
Mr. Rudranil De ... For the State.

Affidavit-of-service filed in Court today be kept with the record.

Report submitted by the learned advocate appearing for the State be also kept with the record. A copy of the report be handed over to the learned advocate appearing for the petitioners.

The petitioners are aggrieved by the act and action of the police authorities in respect of the property which according to him, has been illegally acquired and transferred in favour of the respondent no.6. Learned advocate appearing for the petitioners submits that after obtaining illegal assistance from a Member of the Legislative Assembly, an affidavit was prepared at Kolkata and surprisingly the property was shown to be transferred in favour of the respondent no.6.

The petitioners have already approached the civil court for cancellation of the deed which has bestowed the title upon the respondent no.6 by way of a title suit being T.S. No. 36 of 2024. The learned Civil Judge (Jr. Div.), 2nd Court, Asansol was

pleased to direct that the plaintiffs and the defendant no.1 are restrained from changing the nature, character, possession and position of the suit property. Thereafter on 07.03.2024, an application for amendment has been preferred for demolition of the construction which has been proceeded in violation of the order. The petitioners have justified their contention by referring to the orders passed by the civil court as also the inaction of the police authorities. So far as the title relating to the property is concerned, the civil court is in seisin of the matter.

The report submitted by the State reflects that proceedings were initiated including criminal proceedings by Salanpur Police Station Case No. 42 of 2024 dated 24.02.2024 under Sections 447/188 of the Indian Penal Code and after completion of investigation, charge-sheet was also submitted before the jurisdictional court.

Having considered the steps taken by the police authorities and that the civil court being in seisin of the issue regarding the consideration of the prayers relating to demolition of the boundary wall which has been constructed, I direct the police authorities that there shall be a strict vigil and there should not be any further construction by any of the parties without obtaining further orders from the civil court.

With the aforesaid observations, the writ petition being WPA 24453 of 2024 is disposed of.

There shall be no order as to costs.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)