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Ct 14

WPA 24133 of 2023

Debashis Manna & ors.

-vs-

The State of West Bengal & ors.

Mr. Masud Mallik

...for the petitioners

Mr. Amit Baran Das

Ms. Ankana Sarkar

...for the respondent nos. 7 & 8

Mr. Somnath Ganguli

Mr. Priyamvada Singh

...for the State

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

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

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the co-sharers in their ancestral property. Another co-sharer without offering them their right to purchase such share, sold away their share of the property to two outsiders being the respondent nos. 7 and 8. The respondent nos. 7 and 8 and their men and agents are now disturbing the petitioners' possession of the property. The petitioners were constrained to move the Civil Court. An order of injunction was granted restraining the private respondents from taking possession of the property. In violation of the same, the private respondents

and their men and agents are trying to disturb the petitioners' possession and trying to dispossess them from the property.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations made in the writ petition are denied. The private respondents had validly purchased a share in the property that devolved upon the heirs of the original owner and necessary demarcation was made.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. A civil dispute exists between the private parties. The petitioners have already filed an application under Section 144 (2) of the Code of Criminal Procedure. On their complaint, a proceeding has been initiated under Section 107 of the Code. However, the private respondents have also obtained an order under Section 156 (3) of the Code pursuant to which, Contai P.S. Case No. 573 of 2023 dated 09.12.2023 was registered. The same is being investigated.

It appears that a civil dispute exists between the private parties.

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

However, none of the parties can violate a validly passed order by a Civil Court in a proceeding instituted by either of the parties.

It also appears that the police have taken some steps on the complaints made by either side.

Let the investigation of the case started from the side of the private respondents be concluded expeditiously.

The respondent 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.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)