

January 18, 2024
AD 20
Ct. No.14
SG

WPA 24162 of 2023

Rulamin Laskar and others
vs.
The State of West Bengal and others

Ms. Pampa Dey (Dhabal)
... for the petitioners

Mr. Suman Sengupta
Mr. Sanatan Panja
... for the State

Mr. Raghunath Das
Ms. Monalisa Das
... for the respondent No.8

Report filed by the State is taken on record. Copies of the same are handed over to learned advocates for the other sides.

Learned advocate for the petitioners submits as follows. The petitioners are the owners of the property in question. By forging a deed the private respondent got his name wrongly mutated in the record of rights. However, the petitioners are in possession of the property. Yet, the private respondent is disturbing the possession and enjoyment of the property by the petitioners. He is preventing the petitioners from carrying on cultivation and pisci culture in the said property. The Civil Court had passed an order of status quo on the prayer of the petitioners. This was brought to the notice of the police authorities, but no step was taken.

Learned advocate for the private respondent denies the allegations made in the writ petition and submits as follows. A civil suit is pending between the private parties who are brothers. The land is well demarcated. The petitioners are unnecessarily creating disturbance and trying to grab the property belonging to the private respondent. It is clear from the representation made before the police that the petitioners are not in possession of the property.

Learned advocate for the State relies on the report submits as follows. On the complaints made, FIRs were lodged and a proceeding has been initiated under Section 107 of the Code. One FIR had ended in a charge-sheet. However, there is a civil dispute pending between the private parties.

It appears that there is a civil suit pending between the parties. If any of the parties wants to establish any further right in respect of the property, the same has to be done before a civil court.

It also appears that the police have taken action in respect of the complaints lodged by the petitioners by registering FIR and instituting a proceeding under Section 107 of the Code.

Therefore, no further order need be passed in this regard.

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

With these observations, the writ petition is disposed of.

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

[Jay Sengupta, J.]