

January 2, 2024
AD 48
Ct. No.14
SG

WPA 24285 of 2023

Sainul Hoque and others
vs.
The State of West Bengal and others

Mr. Ayan Kumar Borai
Mr. Anisur Rahman
... for the petitioners

Mr. Wasim Ahmed
Mr. M. Shehabuddin
... for the State

Affidavit of service filed in Court is taken on record.

Report filed by the State is also taken on record.

Despite service no one appears on behalf of the private respondent.

Learned advocate for the petitioners submits as follows. The petitioners are the recorded owners of the land in question. The private respondent is a rank outsider who has been trying to disturb the possession and enjoyment of the property of the petitioners. The petitioners were constrained to move an application under Section 144 of the Code. All these were brought to the notice of the police, but they have not acted.

Learned advocate for the State relies on the report and submits as follows. On the complaint of the petitioners, a proceeding has been initiated under Section 107 of the Code. There is a partition suit pending between the parties. There is an injunction granted. These have not been reflected in the writ petition.

It appears that a civil suit is 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 acted in respect of the allegations levelled by filing a report under Section 144 of the Code and instituting a proceeding under Section 107 of the Code.

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

The police authorities shall keep a 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 certified copies of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

[Jay Sengupta, J.]