

Sl. No.62
09.01.2024
Court no.14
sd

*IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE*

W.P.A. 24788 of 2023

Unus Ali Mondal and Anr.

Vs.

The State of West Bengal and Ors.

Mr. Mukteswar Maity
Ms Manika Sarkar

.....for the petitioner.

Mr. Sounak Bhattacharya
Ms. Tanuja Basak

....for the State.

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

None appears on behalf of the private
respondents despite service of notice.

Report submitted by the learned advocate for the
State be taken on record. A copy of the same is handed
over to the learned advocate for the petitioner.

Learned advocate appearing on behalf of the
petitioners submits as follows. The petitioners are the
owners of the property in question. The private
respondents are co-sharers who were creating
obstruction in a common passage. They had also
harassed and even assaulted the petitioner over this

dispute. A complaint was made before the police authorities, but no steps were taken.

Learned counsel for the State relies on the report and submits as follows. The police authorities have already acted on complaints made by the petitioner. Reports were filed in the proceedings instituted by the petitioner under Section 144(2) of the Code and Section 147 of the Code. A civil suit is pending between the private parties and an order of injunction was passed for the alleged violation of which the police registered Baguiati P. S. Case No. 718 dated 21-10-2023 under Sections 188/506 IPC against the respondent no. 2. A chargesheet dated 30-11-2023 was also submitted.

It appears that a civil suit exists between the private parties. A civil suit is also pending.

However, the police authorities have taken steps on the complaints made by the petitioner. Not only have they filed reports in respect of the proceedings initiated by the petitioner, but they have also registered a FIR against the respondent no.2 for violation of an injunction order and filed a chargesheet in the said case.

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

However, the police authorities shall also 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 the aforesaid observations, the writ petition being WPA 24788 of 2023 is disposed of.

All concerned parties are to act in terms of a copy of this order downloaded from the official website of this court.

(Jay Sengupta, J.)