

61 24.01.2024
NB Ct. 14

WPA 24830 of 2023

Swapan Patra
Vs.
The State of West Bengal & Ors.

Mr. Aswini Kr. Bera,
Mr. Arijit Bera.
...for the petitioner.

Mr. Ashim Kr. Ganguly,
Sk. Md. Masud.
...for the State.

Mr. Asok Nath Ghosh,
Mr. Kinkar Chandra Basu.
...for the respondent nos.5&6.

Mr. Soumik Bhattacharya,
Mr. Kalyan Chatterjee,
Mr. Chandra Nath Sarkar,
Mr. Sounak Mandal..
..for the respondent no.7.

A copy of the Order No. 02 dated 18.01.2023 passed by the Civil Judge (Jr. Divn), 2nd Court, Paschim Medinipur, in T.S. 29 of 2023, as filed by the respondent nos.5 and 6 in Court, is taken on record.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is the owner of the property in question. He obtained an order of an ad-interim injunction from a civil Court in respect of such property and the same has not been vacated. Yet, the private respondents are disturbing the possession and enjoyment of such property by the petitioner. This was brought to the notice of the police, but no steps were taken.

Learned counsel appearing on behalf of the respondent nos.5 and 6 submits that civil suits have been filed by different parties and injunctions were granted. In T.S. 29 of 2023, the private respondent nos.5 and 6 were granted an ad-interim injunction in respect of the said property.

Learned counsel appearing on behalf of the respondent no.7 submits that his client has already filed an appeal against the order of injunction granted to the petitioner and it has been admitted. The same is pending.

Learned counsel appearing on behalf of the State relies on the report and submits that the dispute is purely civil in nature. However, the police are keeping a close watch on the developments in the locality.

It appears that different parties have filed civil suits in respect of the property. At least two of them have been able to obtain interim orders of injunction against each other.

If any of the private parties want to establish any further right in respect of the said property, the same has to be done before a civil Court.

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

However, the police authorities keep a sharp vigil at the locale and ensure that no breach of peace takes place.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)