

47 17.01.2024
NB Ct. 14

WPA 24901 of 2023

Abdul Samad Molla
Vs.
The State of West Bengal & Ors.

Mr. Milan Nandi,
Mr. Hafijur Rahaman.
...for the petitioner.

Mr. Suman Sengupta Id.Sr.Govt.Adv.,
Mr. Sambuddha Dutta,
Mr. Sanatan Panja.
...for the State.

Mr. Dhananjay Banerjee,
Ms. Oindrila Ghosh.
...for the respondent no.4.

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

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the property in question. He wants to raise a construction over the land, which is being illegally objected to by the private respondent. The private respondent had been trying to disturb a possession for quite sometime now. By an order dated 15.09.2015 passed by a coordinate Bench of this Court in WP 20972(W) of 2015, it was directed that in the event the petitioner had been raising lawful construction, the Officer-in-Charge shall ensure that there is no interference from any quarter. However, parties were granted liberty to explore relief before the civil Court and it was also made clear that the petitioner ought to have necessary

permission from the local authorities. Two suits were filed, one of which has been dismissed. However, there is no interim order preventing the petitioner from making any construction.

Learned counsel appearing on behalf of the respondent no.4 denies the allegations made in the writ petition and submits that the respondent no.4 had purchased the land from the respondent no.5 in the year 2012 and is in possession of the same.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The dispute between the private parties is purely civil in nature. Enquiry reveals that the respondent no.4 is in possession of the land in question.

It appears that a civil dispute exists between the private parties. If any of the parties wants to establish any further right in respect of the property, the same shall have to be done before a civil Court.

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

However, the 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 Court, if any, is violated.

With these observations, the writ petition is disposed of.

Since affidavits were not called for, allegations contained in the writ petition are deemed not to have been admitted.

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

(Jay Sengupta, J.)