

S/L 62
31.01.2024
Court No.14
SD

WPA 24999 of 2023

Md. Khairul Basar
Vs.
The State of West Bengal & Ors.

Mr. Mukteswar Maity
Ms. Manika Sarkar

...for the Petitioner.

Mr. Wasim Ahmed
Md. Shehabuddin

...for the State.

Ms. Manali Biswas

...for the Respondent Nos.4-6.

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner and the private respondents are the co-sharers in a property. The private respondents had been disturbing the possession of the petitioner in respect of such property. In fact, they tried to make an illegal construction. The petitioner approached the civil court and by an order dated 25.3.2016 passed by the learned Civil Judge (Junior Division), Additional Court, Behrampore, Murshidabad in T.S. No.26 of 2015, a temporary injunction was granted on the parties to maintain status quo. Yet, in violation of the same, the private respondents are continuing to bring up a structure. This was brought to the notice to the police, but no help was rendered.

Learned counsel appearing on behalf of the private respondents denies the allegations made in the writ petition and submits as follows. No new construction is at all coming up in the property. At best, it can be termed as remodeling of

an existing structure. In any event, at the time when the interim order of injunction was passed, the private respondents had not been added as a party. This would be evident from the order dated 17.5.2022 passed by the learned civil court in the said matter.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. On the complaint of the petitioner, a proceeding has already been initiated under Section 107 of the Code. The construction work has also been stopped.

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

It also appears that the police authorities have taken action on the complaint of the petitioner by stopping the work for the present and by initiating a proceeding under Section 107 of the Code of Criminal Procedure.

Therefore, no further order need be passed.

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 civil court is violated.

With these observations, WPA 24999 of 2023 is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)