

S/L 44
22.4.2024
Court No.14
SD

WPA 25062 of 2023

Kohinur Mollick
Vs.
The State of West Bengal & Ors.

Mr. Ziaul Haque
Mr. Himadri Kumar Mahata

...for the Petitioner.

Mr. Ashim Kr. Ganguly
Mr. Tarak Karan

...for the State.

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 purchased 20 decimals out of 81 decimals in the undivided property in question. Subsequently, he filed a partition suit. A preliminary decree was passed asking the parties to give effect to the partition within three months. But, the same was not done. The private parties started making complaints against each other.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The dispute is purely civil nature. However, on the complaint of the petitioner, a proceeding has been initiated under Section 107 of the Code. The police are keeping a close watch on the developments in the locality.

It appears that a civil suit is pending between the private parties. A preliminary decree, however, has been

passed in favour of the petitioner. Yet, the partition has not taken place within the time stipulated.

The petitioner shall be at liberty to approach the civil court to obtain further relief in this regard.

However, the police authorities shall keep a sharp vigil at the locale, maintain peace and see to it that no order of a civil court is violated.

With these observations, WPA 25062 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.)