

Rita Mondal

-vs-

The State of West Bengal & ors.

Mr. Aniket Mitra

Ms. Nandini Chatterjee

...for the petitioner

Mr. Suman Sengupta

Ms. Amrita Panja Mallick

...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 is the owner of the property in question. The private respondents are her relatives who are the owners of adjoining plots of land. They have been disturbing the peaceful possession and enjoyment of such property by the petitioner. In fact they have always tried to encroach upon the petitioner's land. They even looted away the crops from the petitioner's land. Earlier, the husband of the petitioner approached this Court and was granted relief by an order dated 17.11.2022 passed in WPA 17085 of 2021. The police were directed to maintain peace. The petitioner and others filed a civil suit in this regard

being T.S. No. 457 of 2023. By an order dated 04.04.2023 passed by the learned Civil Judge, Junior Division, 6th Court, Alipore, an interim order of injunction was passed directing both the parties in the suit to maintain status quo. However, this is being violated by the private respondent. Police help was sought, but was denied.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. There are case and counter case between the private parties. The police have taken action. Charge sheets have been submitted. On the complaint of the petitioner, a proceeding has also been initiated under Section 107 of the Code.

It appears that a civil suit exists between the private parties.

If any of the parties wants to establish any further right in respect of the property, the same has to be done before a Civil Court.

It also appears that the police have taken steps on the complaints from either side. In fact, on the complaint of the petitioner, a proceeding has been initiated under Section 107 of the Code.

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 Civil Court is violated.

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

(Jay Sengupta, J.)