

71 30.01.2024
NB Ct. 14

WPA 25239 of 2023

Padma Rani Das & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Subhojit Chatterjee,
Mr. R. D. Bagchi,
Mr. Devendra Kr. Ghosh.
...for the petitioners.

Mr. Suman Ghosh,
Ms. Munmun Tewary.
....for the State.

Mr. Sanjib Seth.
...for the respondent no.6.

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

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners and the private respondent are the co-sharers in respect of the same property. However, the private respondent had been disturbing the peaceful possession and enjoyment of the petitioners' share of the property. In fact, they were making an illegal construction in the said property. This prompted the petitioners to approach the civil Court. By an order dated 19.11.2015 passed by the learned Civil Judge (Junior Division) 3rd Court, Howrah, both the parties were directed to maintain status quo in respect of the property in question. In spite of that, the private respondents have continued to violate such order and continue with their illegal construction. This was brought to the notice of the police authorities, but no action was taken.

Learned counsel appearing on behalf of the respondent no.6 submits as follows. No illegal construction has been done by the respondent no.6. Some construction was done by Suvendu Das and Monika Haith over some other property, which is not the subject-matter of the civil suit.

Learned counsel appearing on behalf of the State relies on the report and submits that due to an alleged violation of the civil Court's order, a proceeding was initiated at the behest of the petitioners being Sankrail PS Case No.850 dated 06.11.2023 under Section 188 of the Penal Code. There is an order of ad-interim injunction to maintain status quo passed by a civil Court in respect of the property in question. The police are keeping a close watch on the developments in the locality.

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

It also appears that police have taken steps by registering an FIR under Section 188 of the Penal Code.

In view of the above, 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, 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.)

