

06 09.02.2024
NB Ct. 14

WPA 25351 of 2023

Bishnupada Mukherjee
Vs.
The State of West Bengal & Ors.

Mr. Subrata Bhattacharjya,
Mr. I. Datta,
Ms. Shipra Santra.
...for the petitioners.

Mr. Ansar Mondal Id. AGP.,
Mr. Asish Dutta.
...for the State.

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

It appears from the affidavit of service filed earlier that the private respondents could be served with notice.

Despite service, no one appears on behalf of the private respondents.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner is the owner of the land in question. The private respondents are rank outsiders who had been disturbing the possession and enjoyment of such property by the petitioner. In collusion with the local police personnel, they had been creating undue harassment and annoyance to the petitioner. This was brought to the notice of the police authorities, but no action was taken.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. There is a civil dispute pending between the private parties. As a quarrel took place between the petitioner and the private respondents and there

was an apprehension of breach of peace, a proceeding was initiated under Section 107 of the Code.

It appears that the petitioner is the owner of the property in question. 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 and not by use of brute force.

It is surprising that the police authorities want to portray this as a civil dispute where there is no existing civil suit pending or such dispute raised.

Let the police authorities 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 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.)