

WPA 25504 of 2023

Biswajit Patra & anr.

-vs-

The State of West Bengal & ors.

Mr. Aniket Mitra

Mr. Sayan Datta

...for the petitioners

Mr. Ashim Kumar Ganguly

Ms. Sukla Das Chandra

...for the State

Affidavit of service filed on behalf of the petitioners is taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the co-sharers of the property in question. The private respondents are the owners of the adjoining property. For some time, they had been entering into the petitioners' property on some pretext of the other. They continued to trespass into such property, prevent the petitioners from cultivating the land and even commit other illegal acts. The petitioners filed a civil suit in this regard. The learned Civil Court granted an ad interim injunction restraining the defendants from disturbing the peaceful possession of the petitioners in respect of the such property. Interim order still continues. In spite of that, they continuously violated the order. This was brought to the notice of the police, but no action was taken.

Learned counsel for the State submits as follows. There is no direction upon the police to have the order of the Civil Court executed. However, the police are keeping a close watch on the developments in the locality.

It appears that the petitioners were granted an interim order by a Civil Court restraining the defendants from disturbing their possession in respect of the land in question and even in respect of taking forcible possession. It is alleged that the private respondents continued to violate such order.

It does not appear that the police have taken any steps on the complaints made by the petitioners.

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 Civil Court is violated.

If any untoward incident occurs or is apprehended by the petitioners, they shall be at liberty to approach the local police authorities who shall then act in accordance with law.

With these observations, the writ petition 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.)