

S/L 19
29.4.2024
Court No.14
SD

WPA 25527 of 2023

Sri Ranjan Sarkar
Vs.
The State of West Bengal & Ors.

Mr. Manik Lal Poddar

...for the Petitioner.

Mr. Rajarshi Basu

Mr. Anirban Datta

...for the State.

Mr. Pinaki Bhattacharyya

Mr. Amartya Mohan Bhattacharyya

...for the Respondent Nos.5-7.

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner had purchased the ground floor and first floor of the property in question from the private respondents/erstwhile owner. Pursuant to a development agreement executed between the land owner, the purchaser and the developer, the petitioner had taken possession of the third floor of the property and the roof. Yet, the private respondents have been disturbing the possession and enjoyment of the property. In fact, the petitioner's padlock has been broken by the private respondents. This prompted the petitioner to approach the civil court and an interim order of injunction was granted restraining the private respondents from disturbing the possession of the petitioner.

Learned counsel appearing on behalf of the private respondents denies the allegations and submits as follows. Although the purported development agreement was entered into on 23.12.2022 through a power of attorney given by the

private respondents, the said power of attorney was subsequently revoked and the same was registered on 25.7.2023. The private respondents are not disturbing the possession of the petitioner in respect of the property in view of the civil court's order.

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. There is an interim order of injunction passed in the title suit. However, police have initiated a proceeding under Section 107 of the Code.

It appears that a civil dispute is pending between the private parties. However, the petitioner is armed with an interim order of injunction against the private respondents.

It also appears that while the date of development agreement was 23.12.2022, the purported cancellation of the concerned power of attorney was registered on 25.7.2023.

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

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 civil court is violated.

With these observations, WPA 25527 of 2023 is disposed of.

Since the Court did not invite the parties to file affidavits, the allegations made are deemed not to have been admitted.

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

(Jay Sengupta, J.)