

M/L 86
05.02.2024
Court No.14
SD

WPA 25672 of 2023

Kesto Charan Ghosh
Vs.
The State of West Bengal & Ors.

Mr. Ahitagni Dey

...for the Petitioner.

Mr. Suman Ghosh
Mr. Soumen Chatterjee

...for the State.

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

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

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 land in question and his name is recorded in the records of right. Due to his absence, the private respondents who are rank outsiders came to his land and started making an illegal construction. This prompted the petitioner to approach the civil court. By an order dated 17.8.2023 passed by the learned Civil Judge (Junior Division), 3rd Court, Serampore, Hooghly In-Charge in T.S. No.447/23, the defendants were restrained from further construction in the scheduled property. In spite of this order, the private respondents continued to violate the same and make their illegal construction.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. Dispute arose over building of the boundary wall over the said property. On the complaint of the petitioner, a proceeding has already been initiated under Section 107 of the Code and a specific FIR has been lodged, *inter alia*, under Section 188 of the IPC. The police are keeping a close watch on the developments in the locality.

It appears that the petitioner was granted an order of injunction by a civil court restraining the defendants from making illegal construction on his property.

It also appears that the police have taken some steps by initiating a proceeding under Section 107 of the Code and by registering Chanditala Police Station Case No.848/2023 dated 21.11.2023, *inter alia*, under Section 188 of the IPC.

Therefore, no further order need be passed.

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.

With these observations, WPA 25672 of 2023 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.)