

S/L 91
06.02.2024
Court No.14
SD

WPA 25714 of 2023

Satyendra Nath Mondal
Vs.
The State of West Bengal & Ors.

Mr. G.C. Baidya

...for the Petitioner.

Mr. Wasim Ahmed
Mr. M. Shahabuddin

...for the State.

Mr. G.F. Hossain
Ms. Varsha Roy

...for the Respondent Nos.5 & 12.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the property in question. The private respondents had been disturbing the petitioner's possession and enjoyment of the property for sometime. This prompted the petitioner to file a civil suit. By an order dated 8.7.2014 passed by the learned Civil Judge (Junior Division) at Kakdwip, South 24 Parganas in T.S. No.190 of 2014, the defendant nos.1 to 4 were restrained from interfering right, title, interest and possession of the plaintiff in respect of the suit property. This order was extended from time to time. In spite of this, the private respondents are violating such order and trying to dispossess the petitioner from the property. This was brought to the notice to the police but no help was rendered.

Learned counsel appearing on behalf of the respondent nos.5 and 12 denies the allegations made in the writ petition and submits that the predecessor of the private respondents had been the recorded bargadar in the said

property. Due to some inadvertent error, the names of the successors were not recorded as bargadars in the records of right and an application has been made for correction of record. An application has also been made before the learned civil court to refer the matter to B.L.&L.R.O. The same are pending. They have also taken out appropriate application before the Tribunal. Even an unrecorded bargadar is entitled to protection.

Learned counsel appearing on behalf of the State submits as follows. There is a civil dispute between the private parties. However, on the complaint of the petitioner, a proceeding has been initiated under Section 107 of the Code.

It appears that the civil suit is pending between the private parties. 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.

As of now, an interim order of injunction stands in favour of the petitioner.

It also appears that the police authorities have taken steps on the complaint of the petitioner by instituting a proceeding under Section 107 of the Code.

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 a civil court is violated.

With these observations, WPA 25714 of 2023 is disposed of.

Since the Court did not invite the parties to file affidavits, the allegations made in the writ petition 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.)