

WPA 25939 of 2023

Samar Nayak & anr.

-vs-

The State of West Bengal & ors.

Mr. Shyamal Roy

...for the petitioners

Mr. Suman Ghosh

Mr. Sankha Prasad Roy

...for the State

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

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

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner is the owner of the property in question and has been possessing the same for years together. There is a civil dispute pending between the private respondents. A suit is pending. But, the private respondents are disturbing the possession of the petitioner in respect of such property. An order has already been granted in favour of the petitioners under Section 144 of the Code.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. On the complaint of the petitioners, a proceeding has already been initiated under Section 107 of the Code of Criminal Procedure. The

police are keeping a close watch on the developments in the locality.

It appears that there is a civil dispute pending between the private parties.

If any of the private parties wants to establish any further right in respect of the property, the same has to be done before a Civil Court.

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

Therefore, no further order need be passed in this regard.

However, the police 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, the writ petition is disposed of.

As affidavits were not called for, allegations 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.)