

23 27.11.2024
AN Ct. No. 01
Swarup

MAT 2070 of 2024
with
IA No. CAN 1 of 2024

Ramchandra Mondal
vs.
State of West Bengal & ors.

Mr. Abhishek Halder
Ms. Madhurima Basu

.....for the appellant

Mr. Dipanjan Datta
Mr. Sk. Md. Masud

.....for the State

Md. Asaraf Ali

.....for respondent no. 5

Md. Manuwar Ali

.....for respondent no. 6

1. This intra-Court appeal filed by the writ petitioner is directed against the order dated 29.10.2024 passed in WPA 26193 of 2024. The writ petition was filed alleging police inaction.

2. After elaborately hearing learned counsel for the respective parties, we find that the matter is purely civil in nature. It is not in dispute that one Firoz Sardar has filed a Title Suit being 1224 of 2023 against the writ petitioner before the learned Civil Judge (Junior Division), 1st Court, Howrah in respect of the property in dispute and there is also an order of ad interim injunction and the ad interim injunction granted by the civil court has been extended subsequently also. These facts have been brought on record by the report submitted by the Officer-in-Charge, Panchla Police Station.

3. Learned counsel appearing for the appellant would vehemently contend that hooligans came to the property and forcibly entered into the said property and converted it into a Party Office. The report submitted by the Police also refers to a gift deed executed by the plaintiff Firoz Sardar in favour of a political party in respect of 150 sq. ft. of a shop room and a certified copy of the gift deed has been enclosed alongwith the report submitted by the Police.

4. Thus, according to the appellant, he is entitled to the property and it is well open to the appellant to seek for appropriate interim or final relief in the pending civil suit in which the appellant is a defendant. The report submitted by the Officer-in-Charge, Panchla Police Station also shows that intense police patrolling and vigilance has been introduced in the locality so as to ensure peace in the locality over this issue and the Police Team is going frequently in the area and sharp vigilance is being maintained. The said submission made by the Officer-in-Charge, Panchla Police Station is placed on record and the police patrolling and vigilance be maintained in the locality so as to ensure there is no breach of peace in the locality.

5. In the result, the appeal stands **disposed of**. Consequently, connected application, also stands disposed of.

(T. S. Sivagnanam)
(Chief Justice)

(Hiranmay Bhattacharyya, J.)