

122 05.02.2024
NB Ct. 14

WPA 26249 of 2023

Sajjat Mallick
Vs.
The State of West Bengal & Ors.

Mr. M. Shah,
Mr.Soumen Barman.
..for the petitioner.

Mr. Wasim Ahmed,
Mr. Shehabuddin.
...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 a tenant in respect of a shop room under the private respondents. The private respondents were trying to forcibly evict the petitioner and was disturbing the possession and enjoyment of the property as a tenant. This prompted the petitioner to approach the civil Court. By an order dated 02.02.2022 passed by the learned Civil Judge (Junior Division) 3rd Court, Alipore in Title Suit No.144 of 2022, the defendants were restrained from evicting the petitioner without due process of law. The interim order was extended from time to time. By an order dated 04.01.2023, an

application filed by the petitioner under Section 151 of the CPC was allowed and police help was directed to be provided. However, despite intimation to the police authorities, no steps have been taken.

Learned counsel appearing on behalf of the State relies on the report and submits that a civil dispute is pending between the private parties. However, an interim order of injunction was issued in favour of the petitioner not to evict the petitioner. On the complaint of the petitioner, a proceeding has been initiated under Section 107 of the Code of Criminal Procedure. The police are keeping a close watch on the developments in the locality so that no order of a civil Court is violated.

It appears that a civil suit is pending between the private parties. However, an interim order of injunction was also granted in favour of the petitioner not to evict him without due process of law.

It is alleged that despite this order and the subsequent order under Section 151 of the CPC, the private respondents are disturbing the petitioner's possession.

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

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

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 Court is violated.

If any untoward incident occurs or is apprehended by the petitioner, he shall be at liberty to contact the Officer-in-Charge of the Rabindranagar Police Station who shall then act in accordance with law.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)