

S/L 125
08.02.2024
Court No.14
SD

WPA 26343 of 2023

Sri Tutul Das & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Sougata Mitra
Mr. Rameshwar Sinha
Ms. Soma Chakraborty

...for the Petitioners.

Mr. Amitesh Banerjee
Mr. Tarak Karan

...for the State.

Mr. Avik Ghatak
Ms. Afree Begam

...for the Respondent Nos.5-7.

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 petitioners are the owners of the property in question. The private respondents are trying to grab the property and are disturbing the peaceful possession of the same by the petitioners. In fact, they are forcibly raising a boundary wall. Earlier a direction was passed by a coordinate Bench of this Court to approach the appropriate forum. Accordingly, petitioners filed a civil suit. By an order dated 08.6.2022 passed by the learned Civil Judge (Junior Division), Bidhannagar in T.S. No.27 of 2022, the defendants were restrained from raising boundary wall in the Schedule B property. By violating of the same, the private respondents

are trying to damage the petitioners' property. This was brought to the notice of the police authorities, but no steps were taken.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations made in the writ petition are denied. The private respondents are not violating the civil court's order.

Learned counsel appearing on behalf of the State relies on the report and submits that a civil suit is pending between the private parties and the petitioners prayed for a relief under Section 151 of the Code of Civil Procedure. The police authorities are keeping close watch on the developments in the locality.

It appears that a civil suit is pending between the private parties. The petitioners were granted an ad interim order by a civil court restraining the private respondents from raising a boundary wall.

It also appears that an application of the petitioners under Section 151 of the Code of Civil Procedure is pending.

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

Therefore, 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 26343 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.)