

35 29.04.2024
NB Ct. 14

WPA 26718 of 2023

Moslema Bibi & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Shanshah,
Sk. Abumusa.
...for the petitioners.

Mr. Sk. Md, Galib Id.SGA.,
Ms. Sujata Mukherjee.
...for the State.

Affidavit of service filed on behalf of the petitioners 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 petitioners submits as follows. The petitioners are the owners of the property in question. The private respondents have been disturbing the possession and enjoyment of the property by them. In fact, the private respondents in order to further disturb the petitioners, approaching the civil Court. An order was passed by the civil Court of injunction of status quo.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The petitioners and the private respondents are distant relatives and neighbours. There are cases and counter cases pending between them. In both

the FIRs, charge sheets have been submitted. However, there is also a civil suit pending between them.

It appears that a civil dispute exists between the private parties.

It also appears that the police have taken steps on the complaints of both sides.

If any of the parties wants to establish any further right in respect of the property, the same has to be done before a civil Court and not by exercise of brute force.

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, 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.)