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02.05.2024
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WPA 26733 of 2023

Haran Halder
-vs-
The State of W.B. & ors.

Mr. Goutam Banerjee
Mr. Sandip Kumar Mondal
Mr. Sumit Routh
Ms. Tanusri Das

Mr. Parvej Anam ...for the petitioner
...for the respondent nos. 5 to 7

Mr. Sk. Md. Galib
Mr. Safik Dewan
....for the State

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

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 the power of attorney holder of the owner of the land in question. The petitioner was asked to look after the property, so that the same is not encroached upon and the like. The private respondents are rank outsiders who are trying to disturb the possession and peaceful enjoyment of the property by the owner. In fact, they are trying to dispossess the real owner. A number of representations were made before the police authorities, but

were not acted upon.

Learned counsel appearing on behalf of the respondents denies the allegations and submits as follows. The property actually belongs to the private respondents. In fact, they are in possession of the same. The petitioners are committing nuisance and disturbing the possession of the property by the private respondents.

Learned counsel appearing on behalf of the State relies on the case diary and submits as follows. There is a long standing dispute between the private parties over the property in question. The wife of the petitioner namely, Chaya Halder had submitted several complaints before the Canning Police Station. At the instance of the private respondent no.7 as many as three FIRs have been registered. Two more cases were also registered from the side of the private respondents. The police are keeping a close watch on the developments in the locality.

It appears that there is a long standing dispute between the private parties over the property in question. If any of the parties wants to establish any further right in respect of the same, it has to be done before the Civil Court.

However, the police also acted on complaints of criminal acts alleged from both the sides. Several FIRs were registered from both the sides.

Let the police authorities shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

With these observations, the writ petition 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.)