

79 22.03.2024
NB Ct. 14

WPA 27896 of 2022

Saiyad Mosaddak Hossain & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Sanat Kr. Roy,
Mr. Abhishek Banerjee.
...for the petitioners.

Mr. Asim Kr. Ganguli,
Mr. Sudip Sarkar.
...for the State.

Mr. Salil Kr. Maiti,
Ms. Dolan Samanta.
...for the respondent nos.4&5.

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 the co-sharers, who are trying to make an illegal construction on the property. This was objected to. But, the private respondents did not budge. This prompted the petitioners to approach the civil Court, which directed the parties to maintain status quo. In violation of this, the private respondents continue to undertake illegal construction. This was brought to the notice of the police, but no effective steps were taken.

Learned counsel appearing on behalf of the private respondents denies the allegations made in the writ petition and

submits that they have never violated the civil Court's order and are not undertaking any construction work at present.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. There is a civil dispute pending between the private parties. However, the police have acted by registering FIRs in which charge sheets have been submitted. They have also initiated a proceeding under Section 107 of the Code.

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

There is an order of status quo granted at the behest of the petitioners.

It also appears that the police have acted by registering FIRs, filing charge sheets and even initiating proceeding under Section 107 of the Code.

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

However, the police 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. Surveillance shall include frequent visits by police patrol.

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.)