

WPA 27184 of 2023

Sri Pratul Das & anr.

-vs-

The State of West Bengal & ors.

Mr. Gopal Mondal

...for the petitioners

Mr. Asish Kumar Guha

Mr. Anirban Dutta

...for the State

Ms. Deblina Lahiri

Mr. Mrinmoy Chatterjee

...for the private respondent nos. 8 to 12

Report filed on behalf of the State is 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 rank outsiders who are disturbing the possession and enjoyment of the property by the petitioners. This was brought to the notice of the police, but no steps were taken.

Learned counsel for the private respondents denies the allegations and submits as follows. There was a civil suit pending between the private parties which was not being disclosed in the writ petition. A decree had been passed in favour of the private respondents in respect of the land in question. The private respondents had already prayed for correction of the land records.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The dispute is purely

civil in nature. However, the police have already initiated a proceeding under Section 107 of the Code.

It appears that a civil suit has been decreed in favour of the private respondents. Surprisingly, the writ petition does not have any reference to the same.

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.

It further appears that the police have taken steps by initiating a proceeding under Section 107 of the Code.

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.

As affidavits were not called for, allegations are deemed not to have been admitted.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)