

09.05.2024
Ct. No. 14
Item 34
Cp

WPA No. 27332 of 2023

Jiyarul Sekh

Vs.

The State of West Bengal & Ors.

Mr. Gobinda Chandra Baidya

Mr. Gobinda Baidya

Mr. Diptakar Halder

.....for the petitioner.

Mr. Nirmalendu Bera

Mr. Sunanda Samanta

Ms. Tanima Nandy

Mr. Biplab Sardar

.....for the respondent nos. 6, 7 & 8.

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

Copy of the order dated April 22, 2022 passed by the learned Civil Judge (Senior Division), 2nd Court, Baruipur in Title Suit No. 180 of 2022, as filed on behalf of the private respondents, is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the property in question. The private respondents have been disturbing the possession and enjoyment of the property by the petitioner. The petitioner had to approach this Court earlier. There was a direction to seek clarification because a civil suit was pending. In fact, there is an order of status quo granted in a suit filed by the private respondents, but the private respondents are themselves violating the same.

Learned counsel appearing on behalf of the private respondents denies the allegations and submits as follows. The private respondents were granted an interim order of status quo in their suit. The police is required to maintain peace in the area.

It appears that there is a civil dispute pending between the private parties. In fact, a civil suit is pending and an order of status quo has been granted. If any of the parties wants to establish any further right in respect of the property, the same shall have to be done before the civil court.

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 civil court is violated.

With these observations, WPA No. 27332 of 2023 is disposed of.

As affidavits were not called for, the allegations made 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.)