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08.04.2024
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Ct 14

WPA 28525 of 2023

Surendra Singh
-vs-
The State of West Bengal & ors.

Mr. Atarup Banerjee
Mr. Kaunish Chakraborty
Mr. K. S. Haque
...for the petitioner
Mr. Indranil Roy
Mr. Sunit Kr. Roy
...for added respondents
Mr. Ansar Mondal
Mr. Asish Dutta
...for the State

Affidavit in reply filed on behalf of the petitioner is taken on record.

A copy of the same is handed over to the learned counsel for the State.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the Secretary of the Association which is in control of a Gurudwara at Burnpur, Asansol. The private respondents are trying to grab the control and management of the Gurudwara. In connection with the election of the society, a suit was filed and an injunction was obtained in favour of the petitioner. But, the same is being violated by the private respondents. An appeal was preferred by the private respondents. Although the appeal was admitted, stay was not granted at that stage. The injunction order continues. But, the private respondents

continue to violate the injunction order. Over one such incident, the petitioner lodged a complaint to the local police station over E-mail. But, no FIR was registered. He was compelled to give a written complaint on which an FIR was registered later. But, by that time, the local police started another FIR at the behest of the other side so the petitioner's original complaint become a counter case. The police are siding with the private respondents as they are backed by the ruling political dispensation.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations made in the writ petition are denied. The injunction order is about a status quo that was granted regarding the activities of the society. It is germane to mention that in respect of the criminal case started against the petitioner, he was granted bail, but on a condition that he shall not enter the Gurudwara premises. The said order has been modified to the extent that the petitioner can go to the Gurudwara once a month upon intimation to the police and only to offer prayers. It is denied that the control and management of the Gurudwara is in the hands of the petitioner.

Learned counsel appearing on behalf of the State relies on the report filed earlier and submits that there are claims and counter claims by adverse parties regarding the control and management of the Gurudwara. Case and counter case have also been started.

It appears that there is a struggle over gaining control

of management of the Gurudwara in question. Even criminal cases have been filed by both the sides.

Let the criminal cases be taken to their original conclusion by concluding investigation expeditiously and in accordance with law.

If any of the parties wants to establish any further right in respect of the control of the Gurudwara or, for that matter, in respect of the property in question, the same has to be done before the Civil Court and not by use of brute force.

Therefore, 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.)