

March 21, 2024  
AD 54  
Ct. No.14  
SG

WPA 28590 of 2023

*Narayan Mitra*  
*vs*  
*The State of West Bengal and others*

Mr. Uttam Kumar Halder  
Mr. Goutam Sardar  
... for the petitioner

Mr. Suman Sengupta  
Mr. Sanatan Panja  
... for the State

Mr. Saswata Bhattacharya  
Mr. Kaushik Dey  
... for the respondent No.6

Affidavit of service filed in Court is taken on record.

Report filed by the State is also taken on record.

Learned advocate for the petitioner submits as follows. The petitioner is the owner of the property in question. He was granted an order of injunction by an order dated 04.12.2023 passed by the learned Civil Judge, Junior Division, 2<sup>nd</sup> Court, Baruipur, South 24 Parganas in TS No. 818 of 2023 thereby restraining the defendant Nos.1 and 2 from interfering with the peaceful possession of the plaintiff. Despite this the private respondents had been disturbing and trespassing into the petitioner's property. This was brought to the notice of the police authorities, but no steps were taken.

Learned advocate for the private respondent denies the allegations and submits that correct picture of the facts and circumstances was not given by the petitioner before the civil court. However, the private respondents

have not violated the order in question and are not going to do so.

Learned advocate for the State relies on the report and submits that the police have acted on the allegations made by the petitioner. A specific FIR being Narendrapur Police Station Case No.1118/23 dated 07.12.2023 was registered and is being investigated. There is a civil suit pending between the private parties.

It appears that the petitioner was granted an interim order of injunction thereby restraining the defendant Nos.1 and 2 from disturbing the peaceful possession of the plaintiff in respect of the suit property.

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 also appears that the police have taken steps by registering an FIR, which is being investigated.

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.

With these observations, the writ petition is disposed of.

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

Urgent certified copies of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

Parties shall act on a server copy downloaded from the official website of this Court.

**[ Jay Sengupta, J. ]**