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16.01.2024
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Ct. 14

WPA 28653 of 2023

Sri Chittaranjan Maity & anr.

-vs-

The State of West Bengal & ors.

Mr. Chittapriya Ghosh

Mr. Goutam Acharya

Mr. Kuntal Ray

Ms. Priyanka Saha

...for the petitioners

Mr. Amal Kr. Sen

Mr. Lal Mohan Basu

...for the State

Mr. Soumen Datta

Mr. Partha Sarathi Basu

...for the respondent no.6

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.

A copy of an information slip filed on behalf of the private respondent is taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners and the private respondents are the owners of a property. The private respondent no.2 obtained a grant under the PMAY Housing Scheme. She was to complete construction of the house within a stipulated time. In the meantime, a partition suit was filed. The private respondents prayed for injunction and

obtained an order of status quo. However, they not pressed the same on 17.11.2023. Therefore, as on that date and thereafter there was no interim order of injunction. Despite this, the police have come to the suit property and prevented the petitioners from making any construction.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations made in the writ petition are denied. There were some mistakes in the injunction application and in the plaint. Some more co-sharers were to be added as a party and the schedule of property was also required to be modified. This prompted the petitioners to not press the earlier injunction application. However, thereafter the private respondents filed another injunction application. The same was taken up for hearing. But, the petitioner prayed for an adjournment. The property is a joint one and a partition suit is still pending.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. There is a civil dispute pending between the parties. However, on 27.12.2023 there was an altercation that had taken place between the warring parties. Police took steps by registering a case and a counter case on the complaints of the respective parties. The same are being investigated.

It appears that a civil dispute is pending between the private parties. In fact, a civil suit has been filed. The private respondents have also filed a second corrected injunction application.

It appears that as of now, there is no order of a Civil Court granting any ad interim order of injunction.

If any of the parties wants to establish any further rights in respect of the property, the same has to be done before the Civil Court.

In the meantime, the police would only ensure that no breach of peace takes place and also see to it that no order of a Civil Court, if any, is violated.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)