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21.09.2020
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Ct12

WPA 6819 of 2020

With
IA No. CAN 1/2020
(CAN 5816/2020)

(Via Video Conference)

Deb Kumar Duari
Vs.
The State of West Bengal & Ors.

Mr. Ram Chandra Guchhait
... For the petitioner.

Mr. Sk. Md. Galib,
Ms. Subhra Nag
... For the State.

Mr. Amit Baran Dash
... For the respondent nos. 8 & 9.

The petitioner alleges that he is prevented from entering and using the room in the ancestral property belonging to him.

The dispute is purely civil in nature. The writ Court cannot go into the intricacy of the civil rights in respect of the petitioner and the other co-sharers unless it is established that the petitioner had a right or having such a right has been prevented before an appropriate civil forum. There is no question of directing the police authorities to ensure the entry of the petitioner and his wife into the property in question by exercising writ jurisdiction as it may lead to breach of peace in a pandemic situation giving rise to further litigations.

Nothing further remains to be adjudicated in this writ petition and the same is disposed of along with the connected application without any order as to costs.

The petitioner is given liberty to agitate on the selfsame cause of action before the appropriate civil Court and obtain necessary orders. The civil Court shall not be influenced in any manner by any observation made in this order.

Since I have not called for any affidavits, the allegation contained in the writ petition are deemed to have not been admitted.

(Arindam Mukherjee, J.)