

AD. 62.
February 4, 2021.
MNS.

W. P. A. 1060 of 2021
(**Via video conference**)

Sk Ahammad Ali and another
Vs.
The State of West Bengal and others

Mr. Sk. Bilwal Hossain

... for the petitioners.

Mr. Ashim Kumar Ganguly,
Mr. Bellal Shaikh

...for the respondent-authorities.

Mr. Ankit Agarwala,
Ms. Alotriya Mukherjee

...for the private respondents.

The petitioners allege police inaction in the matter of construction being raised by the private respondents, thereby hampering the cultivation of the disputed plot of land by the petitioners.

The petitioners had approached the civil court initially for correction of records of rights, but thereafter, being turned down on the question of jurisdiction, have approached the Land Reforms and Tenancy Tribunal for such correction, which proceeding is still pending.

Learned counsel for the petitioners submits that the petitioners have title to the

property, on the strength of a deed of settlement executed in favour of the petitioners.

It further transpires from the submission of counsel that a civil suit is pending between the private parties, at the behest of the petitioners, with regard to the disputed land.

Learned counsel appearing for the private respondents disputes the title of the petitioners and submits that injunction was refused by the trial court in view of the pendency of the application for correction of record of rights before the appropriate authority.

Learned counsel for the respondent-authorities files a report, which is kept on record. It is disclosed in the police report that the dispute is purely civil in nature. Moreover, it is submitted by learned counsel for the respondent-authorities that several proceedings are pending between the contesting parties, in connection with some of which, the police have filed reports before the concerned criminal courts.

In the factual circumstances of the case, it is beyond the jurisdiction of the writ court and/or the police authorities to decide as to whether the petitioners have a valid right, title or interest in respect of the disputed property. Hence, no

direction can be passed on the police in the absence of any such order being passed by the civil court.

Accordingly, W. P. A. 1060 of 2021 is disposed of by granting liberty to the petitioners and the private respondents to agitate their grievances before the civil court, which is in *seisin* of the matter.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)

