

24-05-2021

ct no. 13

Sl.5

pk

**WPA 10502 of 2021
(Through Video Conference)**

**Ansarul Molla @ Anchharul Molya
Versus
State of West Bengal and others**

Mr. Aniket Mitra

...for the petitioner

The petitioner submits that the private respondent no. 4 and others have unlawfully and illegally conveyed certain property belonging to the petitioner to a third party. The petitioner has filed T. S. No. 967 of 2019 before the learned First Additional Civil Judge, Alipore in this regard seeking declaration and permanent injunction against the private respondents. A further application under Order 39 Rules 1 and 2 has also been made by the petitioner.

It is submitted by the counsel that the said application is since pending and has not been taken up as yet. The writ petition has been filed complaining of police inaction despite complaint having been lodged by the petitioner that he has been wrongfully dispossessed from his land.

This Court notes that the reliefs prayed for in the writ petition could have been

definitely made before the Civil Court where T. S. 1310 of 2018 is pending.

No relief can, therefore, be granted to the petitioner since not only is the dispute substantially civil in nature, a civil suit is also pending in respect of the dispute between the parties.

The Officer-in-Charge, Bhangore Police Station shall, however, take steps to ensure that there is no breach of peace in the locale.

The aforesaid order will not prevent the civil court where the suit is pending, to pass appropriate orders in the pending or further applications, filed by the petitioner and/or on their behalf.

With the aforesaid observations, the writ petition is disposed of.

Although no affidavit of service has been formally received by this Court, the matter is entertained on the basis of the submissions made by the counsel for the writ petitioner that the respondents have been served.

There shall be no order as to costs.

All parties are directed to act on a server copy of this order.

(Rajasekhar Mantha, J.)