

14-06-2021

ct no. 13

Sl.40

pk/akd

**WPA 10557 of 2021
(Through Video Conference)**

**Sri Achinta Dey
Versus
State of West Bengal and others**

**Mr. Saptangshu Basu,
Mr. Uday Narayan Betal**
...for the petitioner

Mr. Sandipan Banerjee
... for the respondents

This Court had received a report dated 07.06.2021 from the Officer-in-Charge, Dasnagar Police Station which has been circulated between the parties. The petitioner has filed an exception to the report, which is taken on record.

It is submitted that the petitioner has lawfully purchased the property-in-question from one Bharati Chowdhury by a registered deed of conveyance dated 11.02.2018. When the petitioner went to the said premises after the Yaas Cyclone, he was obstructed by some persons. The petitioner was thereafter notified of a civil suit filed by a company in respect of the said property being T. S. 312 of 2021 before the Civil Judge (Senior Division), 3rd Court, Howrah. In the said suit the civil Judge

has ordered status quo in respect of the said property.

Mr. Saptangshu Basu, learned senior counsel appearing for the petitioner, submits that his client is in possession of the said property and even in the plaint, his title to the property has not been clouded.

This Court has noted the contentions of the petitioner and has examined the report and objections thereto. The petitioner's possession of the said property has to be demonstrated in the pending civil suit being T. S. No. 312 of 2021.

In the instant writ petition, as regards police inaction, this Court notes that no further relief can be granted to the petitioner since a civil suit has been filed where the parties could demonstrate their respective rights.

For the reasons stated hereinabove, the writ petition is disposed of without any further order.

It is clarified that this Court has not in any way gone into the question of the title of the said property and the matter may be agitated before the Civil Judge (Senior Division), 3rd Court, Howrah or in any other proceeding that the parties may take out in accordance with law.

There will be no order as to costs.

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

(Rajasekhar Mantha, J.)