

WPA 10845 of 2021

**Harisadhan Naskar
Vs.
The State of West Bengal & Ors.**

(via Video Conference)

Mr. Lakshminath Bhattacharya

..... For the petitioner

Petitioner complains of police inaction.

Learned advocate appearing for the petitioner submits that the petitioner purchased the immovable property from the private respondent. He refers to the deed of conveyance. He submits that deed of conveyance records a portion of the immovable property to be common passage. Despite such recording, the private respondent is obstructing the free egress or ingress of ambulances to the nursing home run by the petitioner.

None appears for the State.

The narration of events as noted above, establishes conclusively that there are disputes which are civil in nature with regard to an immovable property.

A writ court need not enter into the arena as to whether, the private respondent rightly declared the area to be the common passage or not and whether the private respondent is obstructing the egress or ingress to the nursing home.

Learned advocate appearing for the petitioner submits that the police should ensure that ambulances are able to access the nursing home freely.

Again, a writ court need not interfere as, the right, title and interest in respect of an immovable property is in issue. Unless such issue is settled by the appropriate court, no direction should be issued to the police.

WPA 10845 of 2021 is disposed of accordingly.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Debangsu Basak, J.)