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19.07.2021
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**WPA No. 11045 of 2021
(VIA VIDEO CONFERENCE)**

Anwar Hossain Sheikh
Vs.
The State of West Bengal & Ors.

Mr. Sounak Mondal
Mr. Sounak Bhattacharya
Mr. Pritam Majumdar.
... for the petitioners.

Mr. Bapin Baidya.
... for the private respondents.

Ms. Chhama Mookerjee.
... for the State.

The petitioner complains of police inaction.

Learned advocate for the petitioner submits that, there is a civil suit for partition pending in which certain order were passed permitting the petitioner and his father to cultivate and harvest the paddy. The private respondents are not complying with the Civil Court's order. The police are inactive.

The State and the private respondents are represented.

Learned advocate appearing for the State submits that, there is a longstanding dispute between the private parties. It is admitted by the petitioner that a portion of the

plot in question, was sold to the private respondents. The police are acting on the basis of the complaints received from time to time.

Learned advocate for the private respondents submits that, his client is a co-owner of the immovable property concerned and that the suit for partition is pending. The property is yet to be demarcated.

In the facts of the present case, it appears that there is a suit of partition pending in respect of an immovable property. The private parties herein are parties to such suit for partition. There are orders passed by the Civil Court from time to time. The police have taken steps on the basis of the complaint received.

Since, there is a suit for partition pending between the private parties and there subsists civil disputes with regard to immovable property, it would be inappropriate to interfere under Article 226 of the Constitution of India.

WPA 11045 of 2021 is disposed of accordingly without any order as to costs.

(Debangsu Basak, J.)

