

06-12-2021
ct no. 13
Sl.37
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WPA 15886 of 2021
Sajal Ari
Versus
The State of West Bengal & Ors.
(Via Video Conference)

Mr. Mukunda Lal Sarkar
...for the petitioner

Mr. Rajdeep Biswas,
Ms. Rama Ghosh Dastidar
...for the Union of India

Mr. Amitesh Banerjee, Id. Sr. St. Counsel,
Mr. Somraj Dhar
...for the State

Mr. Apurba Krishna Das
...for the respondent nos.6 to 13

The petitioner and the private respondents are at serious loggerheads with regard to title of the petitioner's land.

The private respondents submit that the petitioner is neither in possession of nor has validly purchased, the 30 decimals of land. The said land is supposed to be a part of a joint property. It is submitted by the private respondents that the title deed of the petitioner is forged and fraudulent.

This Court cannot enter into the said disputes. However, since there is a Civil Suit being T.S. 71 of 2020, now pending before the learned Civil Judge, Senior Division at Ghatal, the parties may thrash out their disputes and differences in the said suit.

It is submitted that the learned Civil Judge has ordered status quo and police help to ensure the order of status quo.

Mr. Amitesh Banerjee, learned senior counsel for the State submits that it is impossible to enforce the status quo since the property is not demarcated.

This Court is of the view that the right, title and interest in respect of the said property is subject matter of the pending civil suit. The learned Civil Judge, Senior Division, Ghatal shall expeditiously dispose of the pending suit being T.S. 71 of 2020 in accordance with law.

Since proceedings under Section 107 and 116 of the Cr. P.C. have been drawn up, this Court directs the Officer-in-Charge, Daspur Police Station to ensure that there is no breach of peace in the said area.

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

There shall be no order as to costs.

Urgent photostat certified copy of this judgment, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)