

16.06.2022
Sl. No.49
srm

W.P.A. No. 3764 of 2022
Abhrangshu Chakraborty & Anr.
Versus
The State of West Bengal & Ors.

Syed Arif Ahmed

...for the Petitioners.

Mr. Zafirul Islam

...for the Respondent Nos.5 to 11.

Despite service, none appears on behalf of the State-respondents. Affidavit-of-service is taken on record.

The petitioners have alleged inaction on the part of the police authorities. According to the petitioners, the respondent Nos.5 to 11 must be restrained by the police authorities from entering into the property, which is situated at Mouza-Bonhooghly, under Narendrapur Police Station.

It appears that pursuant to the complaint of the petitioner No.1, Narendrapur Police Station Case No.368 of 2021 dated March 25, 2021 was initiated against the respondent Nos.5 to 11.

Mr. Islam, learned Advocate appearing on behalf of the respondent Nos.5 to 11, submits that a civil suit is pending between the petitioners and the said respondents being Title Suit No.512 of 2021. The suit has been filed before the learned Civil Judge (Junior Division), at Baruipur for declaration of title and

permanent injunction with regard to the selfsame property in question.

The respondent Nos.5 to 11 submits that they do not have any claim over the suit property nor have they been disturbed the petitioners.

Under such circumstances, if the petitioners' title is clouded or the petitioners are disturbed from enjoyment of the property in question, such issues shall be decided by the civil court. The petitioners have already approached the learned civil court. The police authorities shall conclude the investigation, if not already done, within a period of two months and file appropriate report before the criminal court. Such investigation shall be concluded in a free and fair manner.

On the submissions of the learned Advocate for the respondent Nos.5 to 11 that they do not have any interest over the suit property and they have not been disturbing the petitioners, no further order is passed. Police to ensure that the parties maintain law and order.

The writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)