

25.11.2022.
Court No.13
Item No. 411
ap

W.P.A. No. 6688 of 2021
Sumit Kumar Das
Versus
The State of West Bengal & Ors.

Mr. Saibal Acharya,
Mr. Pradip Paul.

...For the petitioner.

Mr. Suman Sengupta,
Mr. Sanatan Panja.

...For the State.

Affidavit-of-service filed in Court today be taken
on record.

The petitioner is aggrieved that the private respondents, despite having failed in a claim for pre-emption, are seeking to interfere with the possession and peaceful enjoyment of the petitioner's property.

Counsel for the petitioner submits that proceedings under Section 107 of the Code of Criminal Procedure have been instituted against the private respondents.

This Court is of the view that the remedy of the petitioner is before a Civil Court.

Officer-in-charge, Patashpur Police Station shall, however, ensure that there is absolutely no breach of peace in the area and continuing to maintain strict vigil thereat.

With the aforesaid observations, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)