

26.07.2022
Sl.No.14(sl)
sn

W.P.A. No. 10749 of 2022

Smt. Sarmistha Singh

Versus

The State of West Bengal & Ors.

Mr. Satyaranjan Kundu

Mr. Sudhir Kumar Das

... for the Petitioner.

Mr. Subhabrata Datta

Mr. Sanatan Panja

..for the State

The petitioner alleges that the respondent no.5 had failed and neglected to register the deed in favour of the petitioner thereby withholding the transfer of land, although the respondent no.5 had already accepted the consideration money in terms of an agreement for sale.

The petitioner started to raise a construction on the understanding that the registration of deed of conveyance would be made shortly, but the respondent no.5 and his men and agents started obstructing the construction work. It is further alleged that the petitioner went to the Panchayat office with such allegation. Almost 300 people gathered around the place to harass the petitioner at the relevant point of time. Finding no other alternative, the petitioner lodged a complaint before the Officer-in-Charge, Hingalganj Police Station, but the police authorities have not taken any steps in the matter.

The Officer-in-Charge, Hingalganj Police Station has filed a report. It appears that an enquiry was made and the dispute was found to be civil in nature.

The petitioner has based her claim on an alleged agreement, entered into between the parties. However, having found that the dispute might lead to law and order problems, prosecution under Section 506 of the Indian Penal Code was submitted against the respondent no.5 vide Hingalganj Police Station NCR No. 294 of 2022 dated June 30, 2022.

Admittedly, the dispute arose out of a contract. Whether the petitioner is entitled to construct on the land prior to registration of the deed of conveyance or not, is a matter which cannot be decided in this proceeding. The right of the petitioner to construct on the said land, the remedy available under the law on the basis of the contract or agreement for sale, must be adjudicated by the appropriate forum. However, the police authorities shall ensure that the parties maintain peace and tranquility in the area.

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.)