

15.07.2022
Court No. 19
Item no.123
CP

W.P.A. No. 11646 of 2022

Smt. Srabani Bhattacharyya
Vs.
The State of West Bengal & ors.

Mr. Guddu Singh
Ms. Soma Chakraborty
Ms. Ananya Neogi
...for the petitioner.

Mr. Soumyajit Bhatta
...for the respondent no. 3.

Mr. Wasim Ahmed
Sk. Md. Masud
...for the State.

Mr. Debasis Kar
Mr. Subhajit Chowdhury
Mr. A. T. Bhadra
...for the respondent no. 5.

The writ petitioner claims to be a resident of the 1st floor of the premises situated at K.C. Ghosh Road, P.O. – Sodepur under the jurisdiction of Khardah Police Station.

It is alleged that the respondent no. 5 resides in the ground floor. The said respondent continuously disturbs the peaceful possession of the petitioner. Various illegal activities have been alleged, including nuisance committed by pet dogs.

It is submitted on behalf of the respondent no. 5 that a partition suit is pending before the competent civil court and the petitioner is always at liberty to

approach the civil court for necessary restraint orders, if permissible under the law.

The police authorities, apprehending breach of peace have already submitted a prosecution under Section 107 of the Cr.P.C.

The dispute between the co-sharers cannot be resolved either by the writ court or by the police authorities.

However, the police authorities shall maintain a vigil and ensure that the parties do not engage in any altercation which may escalate to the commission of an offence.

The writ petition is disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)