

July 22, 2022
Sl. No. A 171
Court No.19
s.biswas

WPA 12772 of 2022
Enamul Sarkar and others
vs.
The State of West Bengal and others

Mr. Samiran Giri, Advocate
... for the petitioners
Mr. Samim Ul Bari, Advocate
... for the State

Heard Mr. Samiran Giri, learned advocate, on behalf of the petitioners.

This Court is of the view that it would be proper to direct the petitioners to approach the concerned learned Court before which the partition suit is pending.

The allegation is that the respondent nos.8 to 19, by taking advantage of the delay committed by the partition commissioner in effecting the partition by metes and bounds on the basis of preliminary decree, dispossessed the petitioners from their settled possession.

It is alleged that all the co-sharers were enjoying their respective shares and the petitioners could not be dislodged from their possession.

Under such circumstances, the petitioners are at liberty to approach the concerned Civil Court for necessary orders. This Court has not gone into the merits of the contention of the petitioners and the issues shall be decided by the appropriate Civil Court.

The police authorities shall ensure that peace and tranquillity is maintained. The police authorities shall not go into the question of title and possession.

The writ petition is, thus, disposed of.

There will be no order as to costs.

All the parties shall act on the server copy of this order.

(Shampa Sarkar, J.)