

06.01.2022
Court No.13
Item No.44
AP

WPA 14156 of 2021

**Sri Kartick Shil @ Kartick Chandra Shil
Vs.
The State of West Bengal and Ors.**

(Through Video Conference)

Mr. Debasis Kar
Mr. Husen Mustafi

... For the Petitioner.

Mr. Ashim Kumar Ganguly
Mr. B. Shaikh

... For the State.

Despite service of notice private respondents are not represented.

The writ petitioner submits that he has been ousted from his own residence by his wife and daughter who are respondent Nos.4 and 5 respectively herein. He submits that he is liable to be restored possession of his property.

The Officer-in-Charge, New Barrackpore Police Station, Barrackpore Police Commissionerate has filed a report in the form of instructions dated 16th September 2021 addressed to the learned Government Pleader and the same is taken on record.

It appears from the report that on the complaint of the writ petitioner CS No.200/19 dated 26th July 2019 has been filed under Sections 341/323/506 of the Indian Penal Code.

In turn respondent No.4 has also filed complaint against the writ petitioner which has resulted in New Barrackpore Police Station C.S. No. 242 of 2019 dated 31.07.2019 under Sections 498(A)/323/504/34 of the Indian Penal Code.

Other charge-sheets have been filed against the respondent Nos.4 and 5 inter alia being CS No.353 of 2021 dated 30th July 2021 under Sections 323/34 of the Indian Penal Code.

This Court is of the view that the writ petitioner and his wife and daughter are in acrimonious dispute. The dispute is essentially private in nature and there is no inaction on the part of the police in this regard.

The petitioner's prayer under Article 226 for being restored possession of his property, cannot be otherwise entertained under the Statute since he is 58 years old. This Court is not inclined to exercise discretion in this regard.

The writ petitioner may take appropriate steps before a civil Court in this regard.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)