

18.08.2022
Sl. No.3(SL)
srm

W.P.A. No. 13394 of 2022

**Puspendu Karan
Versus
The State of West Bengal & Ors.**

Mr. Sujit Kumar Rath

...for the Petitioner.

Ms. Chama Mookherji,
Mr. Gourav Das

...for the State-respondents.

Mr. Sk. Sahajahan,
Mr. K. C. Das

...for the Respondent Nos.4, 5 & 6.

It appears that the petitioner is claiming title in respect of a property along with the respondent Nos.4, 5 and 6. The petitioner and the respondent Nos.4 to 6 are brothers and sons of late Pankaj Kumar Karan. The petitioner alleges that the respondent Nos.4 to 6 had driven the petitioner out of his ancestral property in order to grab his share in the property. The allegation is that the other brothers were trying to deprive the petitioner.

The learned Advocate for the respondent Nos.4 to 6 submits that the petitioner was never deprived of his right to reside in the residential accommodation.

The police report is taken on record. The enquiry made by the police authorities reveals that the petitioner had left the ancestral house on his own accord. However, apprehending breach of peace, the police authorities

submitted prosecution under Section 107 of the Code of Criminal Procedure, against both the parties.

This court does not deem it necessary to direct the police authorities to take further steps apart from the enquiry, which has already been made. The dispute is entirely civil in nature and over the ownership and enjoyment of the ancestral property.

The remedy of the petitioner is before the learned civil court, in case he alleges deprivation of his right from his ancestral property. The petitioner is at liberty to approach the learned civil court in accordance with law. The allegation that the petitioner was driven out from his ancestral house is vehemently denied by the respondent Nos.4 to 6. The police authorities had also obtained statements from the local people, who intimated that the petitioner had left the residence at his own will.

Thus the police authorities are directed to maintain peace and see that no untoward incident takes place.

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.)