

10.08.2022
Sl. No.81(ML)
srm

W.P.A. No. 13544 of 2022

Sk. Abdul Alim

Versus

The State of West Bengal & Ors.

Mr. Debasis Sur,
Mr. Angsuman Patra,
Mr. Dilip Kumar Das

...for the Petitioner.

Mr. Subhabrata Datta,
Mr. Sanatan Panja

...for the State-respondents.

Affidavit-of-service is taken no record. Despite service, none appears on behalf of the respondent Nos.4 to 6.

The petitioner alleges that the respondent Nos.4 to 6 have been trying to sell out certain properties, of which the petitioner claims to be the absolute owner. It is alleged that the disputes arose over such issue and a complaint was lodged before the Haripal Police Station. Proceeding under Section 144(2) of the Code of Criminal Procedure had also been initiated. The petitioner alleges inaction of the police authorities.

The police report is taken on record. It appears that there is a dispute between the petitioner and the respondent Nos.4 to 6, over the property. The petitioner claims to be the

sole owner of Plot No.1622 pertaining to Khatian No.301 within Mouza-Enayatpur, through inheritance. On the contrary, the respondent Nos.4 to 6 have a rival claim. The petitioner and the respondent Nos.4 to 6 have a common predecessor-in-interest, namely, Abdul Geni. The said Abdul Geni expired leaving behind his wife, three sons and three daughters, who are all claiming the property.

The police authorities made an enquiry on the direction of the learned Executive Magistrate, Chandannagar, Hooghly passed in MP Case No.040/2022. Apprehending breach of peace, prosecution under Section 107/116(3) of the Code of Criminal Procedure was submitted. The police authorities found that the parties, who are siblings, have rival claims to the property and as such the police did not have any further role to play as the dispute was civil in nature.

The Court agrees with the findings of the police authorities that the dispute is entirely civil in nature and with regard to claim of ownership over the plot of land. The brothers and sisters have rival claims. The share of each of the parties have not been demarcated. As such, the allegation of the petitioner that others were trying to sell out the property, could not be established. In any event, it is neither

for the police authorities nor for this Court to issue directions with regard to demarcation, ownership, possession, title, etc.

Under such circumstances, the writ petition is disposed of with a direction upon the police authorities to maintain peace and to ensure that no untoward incident takes place.

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.)