

07.09.2022
Court No.13
Item No.629
AP

WPA 17062 of 2022

**Md. Asif Khan @ Md. Aasif Khan and Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Amritam Mondal
Ms. Jeenia Rudra
Mr. T. Kumai

... For the Petitioners.

Ms. Sudipa Roy

... For the State.

Mr. Goutam Thakur

... For the Respondent Nos.7, 8 & 9.

The petitioners claim that the private respondents are disturbing peaceful possession of their medical shop. The petitioners also claim that they have been running the shop room for fifty years.

It is also submitted by the petitioners that the have filed a civil suit being Title Suit No.54 of 2018 before the Learned Civil Judge (Junior Division), Islampur, Uttar Dinajpur and have obtained an order of injunction.

The private respondents on the contrary, submit that their father had filed a Civil Suit against the petitioners for cancellation of patta in the year 1967 and the same was decreed ex parte.

The private respondents have also filed another suit which is now pending before the Learned Civil Judge (Junior Division), Islampur, Uttar Dinajpur.

In these circumstances, this Court is of the view that the parties may agitate their civil disputes in the pending civil suits.

Both the parties are directed to maintain absolute peace in the said locality and shall not disturb the possession of the shop room, which is lying with the petitioners.

The title and patta of the property will be decided in the pending civil suits.

The Officer-in-Charge, Goalpokhar Police Station shall ensure that there is absolutely no breach of peace in the locale and shall maintain strict vigil on the said premises.

With the aforesaid directions, 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.)