

28.09.2022
Court No.13
Item No.12
AP

WPA 17783 of 2022

Debashri Biswas (Mallick)
Vs.
The State of West Bengal and Ors.

Mr. Sarwar Jahan
Mr. Sayantan Hazra

... For the Petitioner.

Mr. Sudipto Panda
Mr. Subrata Ghosh

... For the State.

Mr. Mukunda Lal Sarkar

... For the Respondent Nos.4 to 8.

The petitioner is aggrieved by the fact that respondent nos. 4 to 8 are interfering with the lawful possession of her land and preventing construction of a boundary wall.

Counsel for the private respondents submits that the petitioner, who is claiming title through her father, could not have obtained the land in the first place, as the property belongs to a Trust. The trust claims that the petitioner's father had wrongfully obtained documents in respect of the said land.

Counsel for the State submits that on a complaint of the petitioner against the private respondents, Hanskhali Police Station Case No.480/22 dated 20th May 2022 has been registered.

There are proceedings taken out by the private respondents against the petitioner that have resulted in proceedings under Section 107 of the Code of Criminal Procedure.

This Court is of the view that the disputes between the parties are civil in nature. Their mutual rights have to be established before an appropriate civil forum.

The police have no role to play in the matter except to complete the investigation in the registered FIR and to ensure that there is no breach of peace in the area.

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

There shall be no order as to costs.

The report of the Officer-in-Charge, Hanskhali Police Station, Ranaghat PD, Nadia dated 29th August, 2022 is taken on record.

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

(Rajasekhar Mantha, J.)