

17-11-2022

ct no. 13

Sl. 40

sp

WPA 17949of 2022

Mridul Sarkar & Anr.

-Versus-

The State of West Bengal & Ors.

Mr. Partha Chakraborty

...for the petitioners

Mr. Raja Saha,
Ms. Tanusri Chanda,
Mr. Wasim Ahmed,
Sk. Masood

...for the State

Mr. Partha Sarathi Bhattacharyya, Id. Sr. Adv.

Mr. Raju Bhattacharyya

...for the respondent nos. 4 to 8

The State has filed a report of the Tapan Police Station, Dakshin Dinajpur dated 14.11.2022, addressed to the learned State Advocate.

It appears that the petitioners and the private respondents are the members of the same family and a partition suit being T.S. 46 of 2005 is now pending before the learned Civil Judge (Junior Division), Balurghat.

The petitioners complain that notwithstanding a compromise petition between them, there is constant disturbance and violation over the existing possession of the suit property.

This Court or the Tapan Police Station cannot enter into the civil dispute between the parties. The possession of the title and division of mutual rights and demarcation thereof has to be determined before a Civil Court. The parties may approach the Civil Court for appropriate interim orders.

The Tapan Police Station shall, however, ensure that there is absolutely no breach of peace in the area the parties are directed to refrain from any physical violence whatsoever.

The instructions of the Tapan Police Station, dated 14.11.2022, addressed to the learned State Advocate, are taken on record.

With the aforesaid observations, the instant writ petition shall stand 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.)