

S/L 103
23.6.2022
Court. No. 19
sn

WPA 19207 of 2021

Anikul Haque & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Sanjib Seth ... for the petitioners

Mr. Pratip Chatterjee ..for the respdts.4&5

Mr. Ansar Mondal
Mr. Sougata Mitra ..for the State

The petitioners pray for restoration of their possession with police protection. It is the contention of the petitioners that that the petitioners have been ousted by the respondent nos.4&5.

Mr. Pratip Chatterjee, learned advocate for the respondent nos.4&5 produces a copy of the plaint filed in Title Suit No. 158 of 2022 by the petitioners. A suit for declaration and recovery of khas possession of the property has been filed. Pleadings disclose that the petitioners are not in possession. There are disputes with regard to two deeds. The respondent nos.4&5 claim title through purchase and the petitioners claim title through a registered Hebanama.

The respondent nos. 4&5 have also filed a suit, praying for cancellation of the Hebanama.

The Writ Court cannot pass an order directing the police authorities to put the petitioners back in possession, during the pendency of the civil suit.

Moreover, the disputes with regard to title, cannot be adjudicated by this Court. The police report also indicates that the petitioners were not in possession of the property.

An FIR had been registered against the petitioners on the basis of the complaint filed by one Karent Sk. After completion of the investigation, Charge-Sheet has also been filed.

The police authorities are directed to maintain peace and tranquillity.

The police report is taken on record.

Nothing further remains to be decided in this writ petition, the same is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)