

13-02-2023
ct no. 13
Sl.1
sp

WPA 22770 of 2019
With
CAN 1 of 2022
Bapan Debnath
-Versus-

The State of West Bengal & Ors.

Ms. Adrisnata Chakraborty
... for the petitioner

Ms. Juin Dutta Chakraborty
...for the respondent no.6

CAN 1 of 2022

Sufficient grounds are available to explain the absence of the writ petitioner and/or his advocate on November 10, 2022.

The order dated November 10, 2022 is recalled. The writ petition is restored to its original file and number.

Accordingly, CAN 1 of 2022 is allowed and disposed of.

WPA 22770 of 2019

The writ petitioner complains of alleged inaction on the part of the Uluberia Police Station in respect of a complaint of disturbance by the private respondents. The petitioner has filed for police help to effect construction.

Counsel for the private respondents relies upon a title suit being T.S. No. 1039 of 2015 filed by

his predecessor-in-interest against the predecessor-in-interest of the private respondents.

Admittedly, both the original parties have died.

Counsel for the private respondents submits that an application for substitution has been filed and has been allowed.

The parties may agitate their disputes in the pending civil suit, particularly, in respect of the pathway in question. Admittedly, the petitioner and the private respondents are co-sharers in the property.

This Court sees no role of the police in this matter. Hence, the question of inaction on the part of the Uluberia Police does not arise.

The Uluberia police shall, however, ensure that there is no breach of peace in the locale.

With the aforesaid observations, the 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.)