

06.02.2023
Court No.13
Item No.15
AP

WPA 1208 of 2023

**Badsha Saikh
Vs.
The State of West Bengal and Ors.**

Mr. Ananta Kumar Lala
... For the Petitioner.

Mr. Manas Kumar Das
... For the Respondent Nos.4 & 5.

The petitioner submits that he has inherited a land from the recorded owner i.e. his grandfather. The private respondents claim title to the property in question. TS No.241 of 2022 is now pending before the learned Civil Judge (Junior Division), Kandi.

This Court notes that the suit has been filed by the petitioner. There is an application for injunction pending.

In that view of the matter, the petitioner may approach the Civil Court for appropriate orders to establish and enforce his rights. The police have no role to play in the matter whatsoever. However, Bharatpur Police shall ensure that there is no breach of peace in the area.

The Court below shall, however, expedite the hearing of the application filed by the petitioner along with any other application that may be filed by the respondents.

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

There shall be no order as to costs.

Report dated 29th January, 2023 filed by the O.C., Bharatpur Police Station, Murshidabad is taken on record.

Since the respondents have not used any affidavits, the allegations made in the writ petition, shall not be deemed to have been admitted by them.

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

(Rajasekhar Mantha, J.)