

17-04-2023
ct no. 13
Sl.69
pk

WPA 1385 of 2023

Sk. Sahaban
-Versus-

The State of West Bengal & Ors.

Mr. Srijib Chakraborty,
Mr. Sougata Mitra,
Mr. Rameshwar Sinha,
Ms. Ankita Dey,
Mr. Subhadeep Maitra

....for the petitioner

Ms. Sulekha Mitra,
Mr. Manas Kumar Das,
Mr. Aritra Kumar Thokdar

...for the respondent no. 6.

1. The writ petitioner seeks assistance of the Purulia Town Police Station in getting possession of a property purchased from the father of the private respondent. The private respondent has filed a civil suit Being T. S. No. 191 of 2021 before the learned Civil Judge (Senior Division) at Purulia. The said suit has been dismissed under the provision of Order 7 Rule 11 of the Code of Civil Procedure at the instance of the writ petitioner.
2. The private respondent has filed an appeal against the said order of dismissal, which is Title Appeal No. 5 of 2023 before the District Judge, Purulia.

3. The private respondent only seeks an occupation rights in the property. He submits that he is conducting business therefrom and has produced a trade licence.
4. The allegations are denied by the counsel for the petitioner.
5. This Court is of the view that the dispute between the petitioner and the private respondent is purely civil in nature and appropriate civil remedies may be obtained by the parties.
6. Purulia Town Police Station shall, however, ensure that there is absolutely no breach of peace in the area and strictly comply with any order that may be passed by the Civil Court on them.
7. The writ petition is disposed of.
8. There shall be no order as to costs.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)