

06-07-2023
ct no. 14
Sl. 103
Sayandeep

WPA 3112 of 2022

Kabita Saha & Anr.
-Versus-
State of West Bengal & Ors.

Mr. Mohinoor Rahaman
Ms. Sonia Nandy
.....for the petitioners

This is an application under Article 226 of the constitution of India praying for a direction upon the respondent authorities, especially the respondent No. 3 to lodge an FIR on the basis of the written complaint dated 09.12.2021 against the private respondents and to ensure that the private respondents are not able to create hindrance to a peaceful possession of the petitioner's land.

Affidavit-of-service filed on behalf of the petitioner is taken on record.

Despite service, no one appears on behalf of the respondents.

Learned counsel appearing for the petitioner submits as follows. The petitioner has inherited some landed property. The private respondents are his

relative. While the petitioner wants to demarcate his portion in the land, the private respondents are creating hindrances in the same. Although this was brought to the notice to the police, but they have taken no steps.

I have heard submissions of the learned counsels appearing for the parties and have perused the writ petition.

If the petitioner wants to seek partition of the property inherited he has to approach a learned civil Court.

Even in respect of allegations of other wrong doings by the private respondent which could be termed as culpable,, it is for the petitioner to make an appropriate prayer before the learned Magistrate.

I do not find any reason to interfere with the state of affairs portrayed in this writ petition.

However, the respondent authorities shall maintain peace and keep vigil at the locale so that no untoward incident takes place.

With these observations, the writ petition is disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Jay Sengupta, J.)