

Sk. Samsuddin  
-vs-  
The State of West Bengal & ors.

Mr. P. K. Samanta  
Ms. I. Nandi  
...for the petitioner  
Mr. Sk. Md. Galib  
..for the State

This is an application under Article 226 of the Constitution of India alleging police inaction.

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

Report filed on behalf of the State is also taken on record.

Copy of the same is handed over to the learned counsel for the petitioner.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the property in question. He was dispossessed from his own property by the private respondents. Despite several representations made before the respondent police authorities, no steps have been taken to put the petitioner back in possession.

Learned counsel for the State relies on a report and submits as follows. This case arises out of sibling rivalry over

property. If at all, the petitioner's remedy lies before the Civil Court.

I have heard the learned counsels for the parties and have perused the writ petition and the report filed by the State.

It appears that the matter is substantially civil in '020 nature. If the petitioner wants back possession of a 920 particular property, instead of approaching the respondent police authority, the petitioner ought to pray for an appropriate relief before a Court of law.

Therefore, the writ petition is disposed of without any direction against the private respondents, but by granting liberty to the petitioner to move the jurisdictional Court for appropriate relief.

It is clarified that the merits of the case have not been gone into.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

**(Jay Sengupta, J.)**